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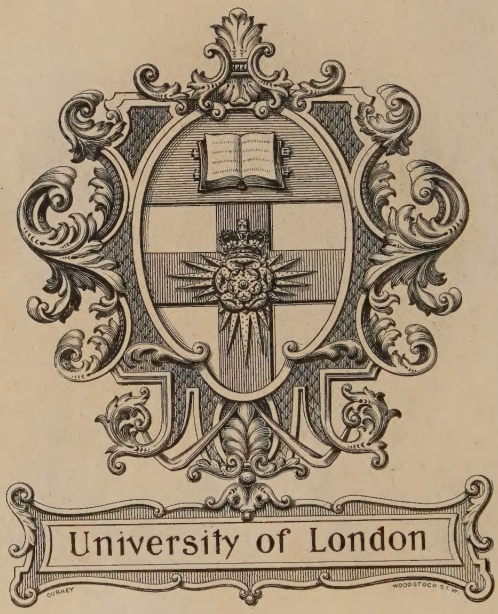

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

Third Series.

VOL. V.

LONDON
OFFICES OF THE SOCIETY
7 SOUTH SQUARE, GRAY'S INN, W.C.
1911

5114

BIRKBECK COLLEGE LONDON UNIV.
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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By the Ven. W. CUNNINGHAM, D.D., LL.D., F.B.A.,
Archdeacon of Ely, *President*

Delivered February 16, 1911

BESIDES the programme of interesting works which we hope to issue to our members as part of the Camden Society Publications, there are two undertakings that specially concern this Society, when we look forward to coming years: the great Bibliography which has been carefully planned and which we hope to carry through by the co-operation of English and American scholars, and the International Historical Congress, which will take place in a little more than two years' time in London. At the last Congress in Berlin this Society was represented, and an invitation was given by the British Academy to the members to meet in London in four years' time, and we must as a society do our best to see that the gathering is rendered as successful as possible.

The difficulty of organising these undertakings is chiefly due to the complexity of history at the present time. There must necessarily be several sections of the Congress, and

the Bibliography also will prove most useful if the various departments of study are severed out and treated separately. This work of severance and classification cannot be easy: it is difficult to formulate a principle of division, and many works are so much on the line that there must be difference of opinion as to the precise place which should be assigned to them.

The complexity of history, even if we limit it to political history, is one of the main difficulties we have to face; and it is rather instructive to notice that this sense of the complexity is comparatively modern. Three hundred years ago, when Bacon was at work on his 'History of Henry VII,' the scope and meaning of history may have seemed to be a comparatively simple thing: he knew quite clearly what he would be at. It was the history of kingdoms: a kingdom was a definite area, over which the authority of one particular king was recognised; his relations of friendship or hostility with his royal neighbours determined the conditions of friendship or antagonism between his people and the people of any particular potentate. The king was the central figure of the picture, and the things of which he took no account could be easily left in the background. The authority of noble families, or the government of cities, might come in to complete the picture; but on the whole, the kingdom was the unit with reference to which the events of political history could be satisfactorily grouped.

But the world has greatly changed since then, and the kingdom, with its implications of personal authority within and personal relationships without, can no longer suffice. Great republics have grown up in the New World, and even within the limits of the Old Christendom there are republics in France and in Portugal. But apart from this, there has been a diminution in the importance of the royal office in many realms which retain a monarchical form of government. The king and his court are no longer the active determining influence in regard to the course of

political affairs, and the personal connexions of the monarchy —with Germany or with Russia—are not decisive as to the political relationships. We need a new term to designate the unit in political history; and we find that we speak of nationalities, and the story of the nations, and the wealth of nations, as naturally as Bacon discoursed of the greatness of kingdoms. This inevitable change seems to me to be one of the main causes of the difficulty in the study of political history in the present day: the terms nation and nationality are sadly lacking in precision; and it is a melancholy fact that this fundamental conception is so vague and uncertain that there is danger lest a study which is undoubtedly complex should also be confused. So long as men were content to look at the political life of a country from its centre, we had both a convenient thread to connect the different eras, and we had a standard to measure what was important. But when we discard the story of kings for the history of what is called the 'real life of the people' we are confronted with a mass of material from which it is difficult to frame a consecutive story, and we are apt to fall back on arbitrary standards to discriminate what is best worth attention.

I

There is admittedly some difficulty in defining the term nationality, even though we can easily specify some of the elements it involves. The idea of a nation, at all events for Scottish minds, has been furnished by the Old Testament description of the kingdom of David and of Solomon; and in that polity the three main elements were all present: there was a common *country*; the inhabitants, apart from the subject folk, were of a common *stock*; and they enjoyed a common *custom*. The common stock and common custom have been maintained to a considerable

extent by the Jews even though they have once and again lost their common country. But on the whole the common country is the most important factor in a nationality; it defines the area which is being treated as a unit for political and historical purposes, and so far as the development of the community goes, it has an increased importance in modern times. It is the characteristic of modern polities that they are dependent on revenue raised by taxation, and on money borrowed on the security of taxation; and the development of resources, so that the people may be able to bear the burden of taxation, assumes an importance it never had in older days. The economic element is a more noticeable factor in modern states, and the physical conditions of national life demand closer consideration. Under these circumstances the character of the country and the nature of its resources ought to obtain importance both in politics and in history, which would not attach to them for an earlier period in the same degree, and they are likely to be even more influential in time to come. This is one of the principal difficulties in attempting to fix a precise signification for the term nationality—that one or other of the different elements is of more importance at one time and place than it is at others.

The element of race is not likely to become increasingly strong, as there is every probability that two races living as neighbours in the same territory will blend, and that one will assimilate the other, unless they are kept wholly apart by well-defined custom. Custom too—the heritage of the administration of law and public obligations, and of religious and social habits—may be strengthened by the sense of long usage and common history, but on the other hand it may be undermined by the admiration and imitation of foreign people, so as to give way to cosmopolitanism. The bonds of conscious blood relationship, and of community in the same ideals of life, do not tend to increase in importance in modern nationalities.

While the elements which nationality involves are

present in different degrees in different countries, it is also true to say that the national life is much more intense in one area than another.

The intensity of the sense of nationality is not easy to gauge; and it certainly cannot be measured by reference to patriotism. The love of country may mean for each man the love of his own district: there may be an intense love for one's own portion of a common country such as expresses itself in local patriotism or civic patriotism, though they are almost inconsistent with strong feeling for the nation, and national institutions. Strong patriotism is quite compatible with a very meagre sense of national life. In Israel, as described for the time of the Judges, or in Holland in the seventeenth century, national feeling was only evoked at some great crisis, and hardly affected the ordinary habits of life at all—the tribe was of far greater importance. The United States are passing through a period in which National patriotism is superseding State patriotism, though the latter is still strong in some of the older States, such as Massachusetts. But the nation, as a great territorial organisation, includes the family and the city, which were the main organs of political life in the early middle ages, while it may be itself included in such grander forms of human life as were presented by the Roman Empire or Latin Christendom. The intensity of national feeling is due to the strength of the elements of common interest and origin and custom which draw the inhabitants of a country together, and may be occasioned and defined by antagonism to some neighbour or world power. But the whole character of a nationality will be affected by the precise nature of the cohesive bonds, and the occasions which have awakened the common national consciousness in the inhabitants of a given area of country. There is a danger of forgetting these differences and of assuming that, because we speak of so many different polities as nations, the resemblances between them are closer than is really the case.

II

The differences between the national feeling in one country and in another can be easily illustrated by a comparison of the two countries which we know best—England and Scotland. As a Scotchman, I may perhaps protest that the Southerner does not always recognise, as fully as he might do, that there are two distinct nationalities in this island of Great Britain. There are two countries, and the precise boundary line was only settled after long and acrimonious debate. Curiously enough it has been drawn right across an area which, both as regards its physical character and the temperament of the people, is almost homogeneous. Lowland Scotland has much more affinity with Northern England than with the Highlands, and Northern England, with its rugged land and strenuous people, seems to have much more in common with the Scottish Lowlands than with the districts of Mercia and Wessex. Still, the line of the boundaries of the dioceses of Carlisle and Durham has been adopted for political purposes, and these are two countries with distinct legal and ecclesiastical systems, though under one legislative authority.

The English and Scotch nationalities are as much alike as any two separate nationalities can be expected to be, for they are composed of similar elements; but the physical character of the Southern kingdom has been much more favourable to inter-communication, and the smoothing down of social barriers. In the West and North of England there is a considerable Celtic population, though it is not so dominant as in the North-west of Scotland. The Angles were successful invaders in the Eastern counties, Northumbria and Mercia, as well as in the Lothians, in Fife, and the districts of Forfar, Aberdeen, and Elgin; while Norse settlers established themselves in the Danelagh, as well as in Caithness and the Hebrides. A Teutonic element has been the dominating influence both north and south of the Tweed;

but though the inhabitants of the two countries are drawn from similar races, the proportions in which these races contribute to the populations of the two countries are very different. The Celtic and Norse elements are much more noticeable in Scotland; the Norman and the Saxon are present in larger numbers south of the Humber. And the people which has arisen in each country by the process of blending has some very distinct traits of its own; the English have shown a much greater power of incorporating aliens, while the Scot has more capacity for adapting himself to the conditions of any country in which he may sojourn for a time, or eventually settle.

A great part of the story of Great Britain is taken up with the reaction of one of these nationalities upon the other; the history of one cannot be followed apart from that of the other. The ambition of William the Lion, to extend his realm at the expense of England, gave an excuse for the Edwardian policy of endeavouring to absorb the whole of Great Britain under an English king. The failure of the Stuart scheme, for Anglicising the Scottish Church, brought about a reaction which culminated in the Scots' attempt to assimilate English Christianity to the Presbyterian model. The close relations of Scotland and France, with all their important bearing on Scottish policy and Scottish commerce, were closely connected with the desire of each country to procure an ally against the ancient enemy of both. There has been interaction all the time between the two realms; and the policy, external and internal, of each, has been affected by the attitude of its nearest neighbour.

Though these two nationalities have so much in common and have been in such close contact, there are vast differences between the two. This comes out most clearly in the *rate of development* of each. The groups which refused to lose themselves in amalgamation were much more powerful on the north than on the south of the Tweed, and the forces which co-operated for cohesion were far less effective. The

medieval church had been one of the great influences in the founding of English nationality. The Roman mission had an extraordinary effect in accelerating the change from tribal to territorial organisation. It made for the augmenting of royal power, and it facilitated the adoption of similar legal practice throughout the realm. The ancient church of Scotland, on the other hand, had been tribal in character; and though, as it fell into decay, the episcopate lost its association with the families of chiefs, it did little, if anything, to foster the growth of a territorial social system. In the time of Egbert the whole of England was mapped into territorial dioceses; and as the Church grew, it made the local divisions of the Hundred and the Vill its own, by constituting rural deaneries and parishes. But three hundred years later there had been no corresponding growth in Scotland. Bishoprics existed at St. Andrews, Dumblane, Glasgow, and in Galloway, but some of the dioceses were imperfectly defined and large tracts of the country were untouched by episcopal supervision. The ecclesiastical division into dioceses, archdeaconries, rural deaneries, and parishes was introduced by David I. These ecclesiastical groups were not a natural growth, which went on side by side with the growth of a united Government for civil purposes, but they were imposed authoritatively as the most up-to-date scheme of ecclesiastical division; and in the efforts to establish this system the king proved to be a 'sair Saint for the Crown,' and weakened its resources so that his successors were less able to hold their own against turbulent chiefs. In one respect only did the medieval church in Scotland contribute to the growth of a Scottish nationality,—by accentuating the antagonism to England, and taking the lead in opposing the intrusion of authority from the South. At a time when many of the great lay barons would have preferred to acknowledge subjection to a more distant rather than to a neighbouring suzerain, the episcopate were afraid of the advancing power of England and refused to be absorbed in that realm, for the Bishops of

Glasgow and St. Andrews were unwilling to become parts of the province of York.

While this cohesive force was less effective in Scotland than in England, the obstacles to consolidation were very much greater. The physical conformation of the country presented barriers to the effective exercise of royal control in the Highlands and Islands; while the differences of language rendered it difficult to organise one system of dispensing justice throughout the country. The tribal system, with tribal loyalty and tribal organisation, remained as a living force over the greater part of Scotland till the battle of Culloden. The task of assimilating tribal society to the law, to the taxation, and to the military requirements of a territorial state has been the great political problem throughout Scottish history.

In England generally this problem was solved long before the Norman Conquest; but Edward I and Henry VIII were forced to face it in Wales; while generations of Englishmen, from Strongbow to Strafford, wrestled with it in Ireland. With the Cromwellian settlement and the battle of the Boyne it ceased to give rise to armed disturbance in that distressful country, but in the Highlands of Scotland it continued, as a very real strength to the Stuart cause, and a serious obstacle to the consolidation of the realm under a Dutch William or a German lairdie. There had been periods when the Highlanders rallied round the Crown, but it was not till after the '45 that the Highland chiefs came finally into line as men who had had their estates conferred upon them by the Crown, and who could be depended upon to raise Highland regiments for the service of the Crown. The royal authority to levy taxation and to obtain military support finds expression in every page of Domesday Book, but the royal authority in Scotland was by no means so effective at the time of the Parliamentary Union.

The feudal system, as introduced into Scotland, was in many ways an obstacle to the growth of a homogeneous and completely organised nationality. William I, when he

entered on his new realm of England, seems to have been fully alive to the disruptive tendencies of feudalism, and to have guarded against them. On the whole, he avoided granting large tracts of contiguous territory to any one tenant-in-chief, and on the other hand he secured a direct relationship, at all events for fiscal purposes, with the holders of each small estate. The great English fiefs could hardly become an *imperium in imperio*; but in the feudalising of Scotland, under David I, the king could only secure a nominal authority over great potentates; whole districts were under the influence of one particular family. Renfrewshire was handed over to the Stewarts and Galloway to the Balliols, Annandale to the Bruces, Badenoch to the Comyns, while the Macdonalds were lords of the Isles. Further, the Scottish kings were not so successful as the English in preventing the great offices of State from being treated as hereditary possessions. The Scottish king was not really in a position to introduce an effective organisation of legal and administrative affairs in accordance with his own ideas and in independence of the interests of the feudal magnates. There was neither a regular organisation of royal revenue nor an efficient system of administering royal justice, except in certain reserved causes, throughout Scotland generally. The hereditary jurisdictions were specially important in the Highlands, and like the tribal military system, they were only brought to an end after the battle of Culloden. The nobility and gentry in England gradually came to take their place in helping to administer the machinery of local government which was instituted by the Crown; but in Scotland they retained their independence so long that they failed to exercise such an important influence in the system of local government which was ultimately established.

Feudalism proved on the whole to be disruptive in Scotland, and it did little to establish common and wholesome customs; its civilising influence was less noticeable than in England; it did far less to obliterate local distinctions and to render the realm homogeneous. The

Normans, who came over in the train of the Conqueror and obtained estates in England, seem to have brought in their train large numbers of followers and dependants, who settled on the land, improved the arts of tillage, and carried on great building operations, both ecclesiastical and civil. The remains of William of Warrenne's castles and Cluniac priories at Castle Acre and Lewes give the impression of centres of industry and military training, and of learning, and similar establishments were dotted over large areas of England. King David did indeed set himself to do something of the same work at Dunfermline and Kelso; but many of the Normans, who found their way north, seem to have been little more than solitary adventurers, who took a leading part in the localities assigned them but did little to change the character or promote the material prosperity of the districts where they settled. They approximated to the surrounding population rather than moulded them, much as the Anglo-Normans were assimilated to the Irish among whom they settled. The Frasers and other Norman families in the North do not seem to have greatly modified the tribal system; and though there were monastic foundations at Scone and Dunkeld, the large and well-administered houses were mostly in the Lowlands on points not far from the coast. Outside the great abbeys, which were worked on English models, there were probably but few well-organised estates, with definite and recorded statements of the respective rights and privileges of the baron, the bonnet laird, and the neif. This doubtless had its disadvantages, for it is likely enough that the arbitrary Celtic customs were very oppressive; but on the other hand as tribal authority was weakened, the tenants were free from the disabilities and the incidents to which they might have been expected to be liable. The rural population of Scotland, seems to have had a sense of economic independence that contrasts markedly with the resentment of the peasantry in England, France, and Germany, against manorial claims. There does not appear to have been any analogue in

Scotland to the Peasants' Revolt of 1381, the Jacquerie or the Peasants' War in Germany. In this respect Scotland is most strikingly different from France, the country with which she had so many affinities. This is the more noticeable as in each country the great fiefs and hereditary offices proved obstacles to the consolidation of the realm and the growth of a strong feudal monarchy like that of England.

III

A little consideration may enable us to detect the essential feature in each of the two nationalities at the time when they were brought into close contact by the Union of the Crowns. The manner of the awakening of national self-consciousness, and the form which it took, are worth considering.

(*a*) In England there was a well-ordered monarchy with an effective administrative system, which reached into all the affairs of life. An elaborate system of local government had grown up under the authority of the Crown. The country gentry, meeting in Quarter Sessions, were the chief agents for enforcing justice and punishing crime, while the Judges in their circuits dealt with the most important cases. The cities, with the provision they had made through the merchant gilds for intermunicipal commerce, and through craft gilds for the fostering of industry, were being superseded as organs for economic life—and a great national system for the regulation of wages, the maintenance of the impotent, and the punishment of the unemployable had grown up. The Lords-Lieutenant organised a militia for the repression of internal disorder, and Drake and the other sea captains were well able to protect our commerce and defend our coasts. Antagonism to the Papacy, which had encroached on English independence from the times of Angevins onwards, and to its great agent, Spain, helped to give definition to the sense of loyalty to this completely

organised monarchy, and to call forth an enthusiastic belief in national destiny. The royal writ ran throughout the length and breadth of the country, and the vigorous life of England was finding expression in planting settlers in new areas of territory, both in Ireland and in America.

(*b*) But Scottish consciousness of nationality was entirely different; there was no similar experience north of the Tweed on which it could be framed. The national life of Scotland may be said to have been greatly influenced by a Biblical ideal, which John Knox, and more especially Andrew Melville, set themselves to realise. The area throughout which their ideas were dominant was very small, but they were able to create a vision of a national life in which the Presbyterian Church was the central institution. The Crown dropped into the background as God's silly vassal, who was chosen from the people. As a consequence the Scottish sense of nationality in the seventeenth century was much more democratic than it could be in England, and it was able to express itself in Whig formulæ, when Presbyterianism was re-established by the State. Apart from the romance of Jacobitism, and in its more prosaic sides, the story of Scotland in the early eighteenth century describes the manner in which the ecclesiastical institutions of the Southern Lowlands secured a dominant influence in other parts of the country, and prepares us for the bringing of the whole under effective civil authority after the '45. The Scottish consciousness of nationality hardly goes behind the time of John Knox: the medieval church, with its episcopate and great monasteries, is thought of as an alien institution; the names of kings stand out as somewhat shadowy figures, who serve as the centres of romantic tales. There were many long periods in Scottish history when the king was a minor, so that the personal influence of the monarch was in abeyance, while one or other of the rival families who obtained possession of his person, secured an importance which they were not ready to relinquish. The national heroes were

men like Wallace and Bruce who took a lead in checking English aggression, and thus giving scope for Scottish nationality to arise. Since the centres of Scottish national life were exposed to comparatively easy attack, their action was of fundamental importance for Scottish independence; but these leaders did little to give cohesion to the various elements which dwelt on Scottish soil. In the seventeenth century the personal sentiment towards the line of Scottish kings was most strongly felt in those districts which were least susceptible to the nascent spirit of nationality; the two proved to be hardly compatible in fact. From all these causes we see that loyalty to the Crown—not as a mere sentiment, but as an habitual virtue—was much more deeply intertwined with English than with Scottish national life. Cromwell was able to play on this habit of mind in England, while he had no such success north of the Tweed, where his political experiments were wholly alien to the feeling of the people; and by the breaking up of the General Assembly he flouted Scottish nationality. It is chiefly because, as Protector, he assumed such a monarchical rôle and consciously modelled his schemes on the Elizabethan policy, that he has attained general recognition as not merely a military tyrant, but as also an English national hero.

(*c*) Hence we may say that the essential quality of Scottish nationality differs from that of English; it is much more democratic, when stripped of the ecclesiastical swaddling clothes in which it had its beginnings; and therefore it is more in accord with the type of nationality that has sprung up in Europe in the nineteenth century. In overseas nationalities, within the British Empire, there is, however, a strong element of the English type. And this is not surprising. With the exception of Australia and New Zealand, the main outposts of the British Empire were planted in the interval between the Union of the Crowns and the Parliamentary Union, and the plantations—with the exception of that in Ulster—were an expansion of

England and not an expansion of Scotland. Whatever may be true of the personnel of the colonists, the plantations in the West Indies and America were reproductions of English institutions, and they had a conscious connexion with the English Crown. It was against the British Parliament rather than against the Crown that the American colonies rebelled. In their life the Crown was not merely an instrument through which cohesion has been effected, but the power which gave them a legal status at first and has formulated every step in their development. Colonial national self-consciousness has intimate relation with the English type, even though it is so little aristocratic.

Whether, on consideration, this analysis of the quality of English and Scottish nationality respectively commends itself to you or no, I venture to think that we can only get at the essence of nationality in any particular case, by considering the occasions which have roused a people to national self-consciousness, and by noting, not merely the antagonisms which throw them back on themselves, but the cohesive forces which have welded them together. The nascent nationalities of the latter half of the nineteenth century offer a particularly attractive field of study, in this connexion, especially the great world powers in Germany and the United States. They are both great nations, but of essentially different types.

IV

There are various habits and practices which are commonly described as characteristic of a nation, but they seem to me to be incidental and adventitious and to have no real connexion with the essential quality of the national life: at most they are due to racial characteristics or conditions of climate and soil, rather than to the special features of the nation and the impress which it makes upon individual citizens. I lately read that games were a mode

of expressing national character, and that the national character of the Englishman found appropriate expression in cricket and football.[1] If this be so, we might perhaps add that the character of the Scot finds natural expression in the game of golf. There may be something in this; there is an element of co-operation in both cricket and football; and those who play a selfish game are criticised and condemned. This tendency to co-operation comes out in English institutions for more serious purposes — as for example in the regulated companies for trade. The independence of the golfer, who plays on his own and aims at individual achievement, may have an affinity with the independence of the interloper in trade. The Highland fling has the same character as contrasted with the English country dance; the piper achieves a personal triumph in the fingering of a pibroch, while the ringing of peals is a form of concerted music that is popular in England. But for all that it may be doubted whether the game of golf is exclusively Scotch and still more whether it has any direct connexion with the special features of Scottish nationality.

Mr. Clark has noted prohibitions[2] which show that golf was a well-known game in Scotland in the second half of the fifteenth century, and there is abundant evidence that it was widely diffused in the seventeenth.[3] But Mr. Clark does not claim that Scotland is the birthplace of the ancient game of which it has become the home;[4] and Mr. Andrew Lang has shown that, at all events, it is not an exclusively Scotch game, but that a primitive form of golf (*choulle*) has been played on the sand-dunes in French Flanders[5] with apparently this difference, that the aim was to touch

[1] G. J. Dozy, *Spel en Spelen*, 5.

[2] R. Clark, *Golf*, 3; James II, *Acts* 1457, c. 6.

[3] R. Clark, *Golf*, xx.

[4] *Op. cit.* xxviii. Mr. Clark calls attention to the silence, in regard to golf, of the statute of James I which prohibited football, *Acts* 1424, c. 18. Mr. Henderson, on the other hand, appears to have ante-dated the first mention of Scottish golf. *Guth na Bliadhna* (Stirling), viii. 175.

[5] *Golf* (Badminton Library), 8. See also *The Devil's Round* in *Longmans' Magazine* (June 1889), xiv. 271, and Zola, *Germinal*, 310.

an upright mark, not to reach a hole. Neither writer has, however, given all the attention it deserves to the fact that golf was greatly in vogue in Holland during the seventeenth century. My interest was roused in the point by reading a sentence in a book entitled *The Interest of Holland*,[1] a translation of a work attributed to John de Witt but more probably written by Pieter de la Court. The translator wrote that 'we ought never in polity, as in playing at tennis (*kolfspel*), to set the ball fair, but must strike it as it lies.' There could be no doubt that the game referred to was golf, and that the English translator was neither familiar with tennis, as played at Hampton Court, nor with golf as practised at St. Andrews. But the author would doubtless have ample opportunities for familiarising himself with golf. It was a very popular game in Holland. Prince Frederick Henry played the game when he was at school at Leyden. A story survives of his losing a ball in the water and jumping into a boat and paddling towards it with a club. The old woman to whom the boat belonged was most indignant with him for taking her property and expressed her opinions forcibly, but was greatly horrified when she found out who the culprit was and thought it well to lie low for several days.[2] In the Museum at Amsterdam there is a portrait by W. de Geest (1631) in which a boy has been depicted with a golf club and golf ball. Golf was, however, a characteristically winter game, and is treated in old engravings of the months as the appropriate employment for December; golfers are frequently introduced into the winter scenes depicted by Avercamp, van Goyen, van der Neer, and Verstralen. The game was not strictly appropriate to the ice, for the players did not wear skates; but in the winter season it was possible to play across country, on hard ground and frozen channels. It is indeed difficult to imagine how golf, as we know it, could have been played during the spring and summer in

[1] *Anwissing der heilsams politike Gronden en Maximen van de Republike van Holland en West Friesland.* [2] G. J. Dozy, *Spel en Spelen* 8.

the district round Leyden, and perhaps this gave rise to the curious development of golf as an indoor game which occurred in Holland. Devotees of the game in the present day have been known to practise putting within doors; and a game of this type was recognised as a regular pastime. If the *kolven* which was prohibited in churches was golf at all, it must have been something of this type;[1] it is represented in one of Rembrandt's etchings; in the eighteenth century it had great developments, and a golf alley became a recognised adjunct of any popular café. A good illustration survives in a political caricature of 1778 which represents the American, Frenchman, and Dutchman as joining in a friendly game, while the Englishman is seen going off in the sulks. The best description of this game is given by Mr. Walker, a Scotch minister, who recognised that it had its points and required considerable skill;[2] but he seems to have heard nothing of the old winter golf, and I cannot find that the game has survived in this form in any part of Holland.[3] The tradition seems to be extinct. For all that, we should not forget the high development which golf attained as a characteristic Dutch game in the winter. The Dutch appear to have been ahead of the Scots in the manufacture of golf balls, for there was a protective patent in the reign of James VI forbidding the importation of golf balls from Holland.[4] There may be no means of settling the question as to the original locality of the primitive game, though the earliest references we know are not Scottish;[5] but at all

[1] *Keuren der Stad Leyden* (1463), f. 71 in British Museum, *Add. MSS.* 8161. Gouw, *De Volksvermaken*, 325.

[2] *Statistical Account of Scotland* (1795), xvi. 28. See additional note on p. 20.

[3] The latest illustration I have seen is a plate in G. H. Millar's *Complete System of Geography* (1782).

[4] Dated Salisbury, 5 Aug. 1618. See also Colville, *Glasgow Golf Club*, 4.

[5] The words *Choulla* and *Crossare* occur as early as 1353 and 1361 (Du Cange, *Glossarium*). The beautiful picture in a Flemish Book of Hours (circ. 1500) is remarkable, as the golfers are playing for a hole, and the game is treated as appropriate to September (British Museum, *Add. MSS.* 24,098, f. 27).

events we may say that, in the seventeenth century, golf was not exclusively or even characteristically Scottish. It is curious to note, too, that the Scot had continued for centuries to leave his golf at home when he went abroad; but, during the last generation, when so many Englishmen have been indoctrinated with the passion, golf courses have been laid out in every part of the world, and the game has been reintroduced into Holland again. Since it has undergone such vicissitudes I am inclined to doubt whether it is worth while to attempt to trace any inner connexion between the games, or the dress or the diet of a people, and the essential characteristics of their national life.

The attempt to discriminate the main features of English and Scottish national life may have served to make it more clear that the term nationality has not and cannot have a very definite meaning. It can be best described as an historical category; a phase of social organisation to which peoples have attained at different times and in sundry fashions. It is the form which the political life of many communities is taking at the present time, and it may be the most convenient conception to use in tracing political history. The farther question arises as to how far nationality is likely to be of increasing importance. The organisation of peoples in tribes and cities has been superseded by the growth of nationalities, and it seems possible that the nation, too, may sooner or later come to be included as an element in a larger whole. The dominance of nationality in modern times has been much connected with the increasing importance of economic considerations and the conscious development of national resources, with the view of maintaining national independence. But if it becomes clear that national interests would be promoted by conscious co-operation, it is conceivable that world-powers may grow up in which existing nationalities will be to some extent absorbed. The history of the nation will always have an abiding interest, as the history of clans, and the records

of town life have a very high value for us, but it is not quite clear that all nationalities, as at present organised, have come to stay, or that those who look at human progress from the point of view of nationality can hope to say the last word.

Additional Note (P. 18, Note 2).

The practice of playing games at ball in churchyards, and even in churches, seems to have been widely diffused; apparently it can claim some ecclesiastical sanction in certain localities (Durandus, *Rationale Divinorum Officiorum*, lib. vi. cap. 86). Dr. J. Colville (*Glasgow Golf Club*, p. 3) refers to a case from the *Aberdeen Town Council Records* in 1613, when two lads were 'convict for setting ane goiff ball in the kirkyeard and striking the same against the kirk.' But the survivals seem to show that, whatever the churchyard game may have been called, it had the character of fives, rather than of golf. A game of this type was very popular on Sunday afternoons as recently as 1840 or 1850 in Llanddarog, Llangendeirne, Llanedi, and other Carmarthenshire villages. The ball was made of stocking-wool, wound round a cork, and covered with soft leather; the game might be played by two players or by sides consisting of two or more players. The players faced the wall, one of them threw the ball against the wall; his opponent had to return it with his hand, and so on alternately. In Staffordshire we hear of a similar game being played against the North wall of the church, where there are fewest graves. (*Notes and Queries*, 8th Ser. viii. 217.) Additional evidence comes from S. Oswald's in Wensleydale in Yorkshire (*Ib.* 8th Ser. viii. 555) and from Somersetshire (*Edinburgh Review*, April 1895, vol. clxxxi. 347). There are traces of the persistence of a similar game at Athenry and other ruined churches in Ireland. Eton fives appears to be the direct descendant of this popular game.

THE BALLAD HISTORY OF THE REIGN OF JAMES I

By Professor C. H. FIRTH, LL.D., V.-P., R.Hist.S.

Read May 18, 1911

A VERY large number of ballads written during the reign of James I have been preserved in various collections, though the dates of these productions are often obscured by the fact that those editions of them which have survived bear the imprint of publishers of a later time. The 'Stationers' Registers,' so far as the entry of ballads is concerned, were very carelessly kept during the twenty-two years that the king's reign covered, and during some years only two or three appear in the lists. Of those which can be dated, many are amorous and romantic ballads, or illustrate the general aspects of the social history of England during the whole century rather than the limited period with which we are concerned. There remain, however, after all these deductions, a considerable number of still extant ballads which supply a kind of commentary on the political events of the reign, and show what the feeling of the people was at the time when those events happened.

The accession of James was welcomed with general joy. It put an end to a period of suspense and anxiety, for while the succession to the crown was uncertain, no one knew whether Elizabeth's death would not be followed by a civil war. Further, it was with great satisfaction that Englishmen viewed the union of the two crowns of England and Scotland. It was not only a guarantee of peace between the two nations, but a promise of future

greatness for the united kingdoms. The poets of the day poured forth a mass of congratulatory verses addressed to the king, while the 'Registers of the Stationers' Company' supply us with the titles of about ten ballads relating either to the accession of the new king or his coronation or the entertainments which followed them. Of all these ballads, however, but one has survived, namely, 'An excellent new ballad shewing the petigree of our royal king, James.'

> 'O let my pen your eares inchaunt
> To looke unto brave Jhon a Gaunt'

says the writer, and ten prosaic verses follow narrating the King's descent.[1]

The satisfaction with which the peaceful accession of James had been hailed was speedily diminished by the excessive favour he showed to his fellow-countrymen. This led to a number of quarrels. One of these is related in a ballad on the duel between Sir James Stewart and Sir George Wharton which took place on November 8, 1612. Both the combatants were killed.[2] In another ballad the rivalry of the two nations takes a lighter shape. It is called the 'Leaping of the Lords.' Three Scots lords challenge the peers of England to jump against them for the sum of 7000*l.* The contest takes place before the King, and Prince Charles bets 10,000*l.* on the success of the English champion. The Scottish champion leapt with might and main: he covered four yards and two inches. But Southampton, Shakespeare's patron,

> 'Leapt six yards and full two foot,
> Before that ever he did light.'[3]

Though this ballad refers to an incident said to have happened in the reign of James I it seems to have been

[1] Reprinted in *Shirburn Ballads*, p. 315, and *Roxburghe Ballads*, viii. 758.

[2] *Roxburghe Ballads*, vii. 595; see also Scott's *Border Minstrelsy* and Maidment's *Scottish Ballads, Historical and Traditionary.*

[3] *Roxburghe Ballads*, viii. 135.

composed much later. At all events it can scarcely have been written during the early part of that reign, when popular animosity to the Scots was at its highest, and when 'this nation,' as a contemporary said, 'was rooted up by those Calydonian boars.' [1]

English ill-feeling against the Scots was not due to the traditional enmity of the two races, or to the hostility excited by particular members of the Scottish nation. It was caused by the foolish profusion with which the King enriched his countrymen at the expense of his new subjects. His Scottish followers were poor and insatiable; there was nothing they did not ask for and nothing they could not hope to obtain. Hence a series of popular satires. One of the most popular contrasts the poverty of a Scot when he came to England and his prosperity now. 'Jockey will be a gentleman' is the refrain. His shoes that then were made of the hide of some old cow are now of fine Spanish leather bedeckt with roses. His stockings are of silk, and his garters have tassels of gold and silver. Then he wore a band round his neck that was scarce washed thrice a year; now he has cambric and lace up to his ears. Instead of his old blue bonnet he has a beaver with a feather in it; instead of pease and kail he has beef for dinner, and instead of going to bed with a light stomach has a supper of two courses on his table. If his good fortune continues at this rate

> 'England at length will grow full poor,
> Therefore, good king, grant them no more,
> For it afflicts thy subjects sore.' [2]

[1] In the *Scottish Historical Review* for January 1909 (vol. vi. pp. 113–128) I have put together an article upon 'Ballads illustrating the Relations of England and Scotland during the Seventeenth Century.'

[2] 'A Songe of a fine Skott,' Fairholt, *Satirical Songs and Poems on Costume*, p. 127. Percy Society, 1849. There is a later version of this song in Ritson's *North Country Chorister: Northern Garlands*, ed. 1887, p. 259. There the chorus runs:

> 'Bonny Scot, we all witness can,
> That England made thee a gentleman.'

Another ballad describes the tribulations of 'poor Sisley,' a young woman who once had twelve suitors. All have left her but one. They were wealthy and handsome; he is neither—'a poor Scot that can do nought but beg.'

'Take him, Sisley,' urges a friend. She does:

'Nay, sure I'le have him, for all people say
That men by begging grow rich now a day,
And that oftentimes is gotten with a word
Att great men's hands that never was wonne by sword.
Then welcome, Scotchman, we will wedded bee,
And one day thou shalt begg for me and thee.'[1]

Another ballad of the reign—an interminable topical song with references to everything and everybody, begins:

'Our Scottishmen are beggars yet,
Although their beggings are not small,
But now the Parliament doth sit
A subsidy shall pay for all.'[2]

Another version has a more menacing refrain, 'the day will come shall pay for all,' but the reckoning hardly came till the time of Charles I.

James endeavoured to gain popularity with his English subjects by the profusion with which he distributed titles of honour—hoping perhaps to compensate thereby for his gifts to the Scots. Elizabeth had made the title of knight a high honour, as the reward of distinguished service to the State, or as a signal mark of royal favour. James, besides making scores of knights during his journey to London, issued on July 17 a general summons to all persons that had 40*l.* a year in land, either to come and receive the honour, or to compound for not receiving it by a money payment.[3]

[1] Hales and Furnivall, *Bishop Percy's Folio MS.* ii. 43.

[2] *MS. Rawlinson Poet.* clx. 179. *Ashmole MS.* xxxvi. 108; xxxviii. 443; and also in *XIIth Rep. Hist. MSS. Comm.* pt. ix. p. 547.

[3] Nichols, *Progresses of James I*, i. 203.

There is a ballad on this debasement of titles of honour, though it naturally was not published in the ordinary way. It is a summons to farmers and carters and ploughmen to leave the country and come to be dubbed knights.

'He that hath fortie pounds per annum
Shal be promoted from the plowe,
His wife shall take the wall of her gran'am;
Honour is sold so dog-cheap now,
Though thou hast neither birth nor breeding,
If thou hast money, thou art sure of speeding.

'Knighthood in old times was counted an honour
Which the best spiritts did not disdayne,
But now it is used in soe base a manner
That it's noe credditt, but rather a staine.
Tush! it's no matter what people do say!
The name of a knight a whole village will sway.'[1]

The value of knighthood was further diminished by the creation of the order of baronets. Wishing to obtain money for the support of an army in Ulster, James offered an hereditary title to all knights and esquires worth a thousand a year in land, on condition that they paid him 1080*l.*, and some two hundred did so.

Looking back on the reign of James I from the standpoint of the twentieth century, we can perceive that this settlement of Ulster, carried out during the early part of James's reign, was an event of great consequence in the history of the United Kingdom. Contemporaries did not realise its importance. It was overshadowed by the union of the crowns of England and Scotland—an event which powerfully impressed the imagination of some, and was brought home to all by the influx of the Scots. It was

[1] *Cole MSS.* in B.M. vol. xxi. f. 206 (quoting *Crewe MS.*). Printed in the *Wiltshire Magazine*. It is also printed in the appendix to Ebsworth's reprint of *The Choice Drollery*, 1656, p. 295. In *All Souls MS.* clv. 197 are also lines on the Lincolnshire knights made by James I.

overshadowed, too, at the time by incidents of trivial importance and events which had no lasting results. A ballad-maker chronicled only those things which attracted popular attention at the moment. During the last years of Elizabeth's reign half Ireland had been in rebellion, under a leader of greater ability than any who had hitherto opposed the English Government. Tyrone submitted and the rebellion ended just when James came to the throne. A ballad entered on June 16, 1603, celebrated the return of Tyrone's conqueror, Lord Mountjoy, to England, and a lament for Mountjoy's death was published in April 1606. Two ballads on the abortive rebellion of 1608 appear in the 'Stationers' Registers.'[1] Of these four, however, not one has been preserved, though there is in the Pepysian Collection a ballad on the great fire which destroyed most of the city of Cork in 1622.[2] There is nothing on the colonisation of Ulster, and it is evident that Ireland, though the oldest and most important English colony, occupied a very small space in the minds of Englishmen.[3]

On the other hand, with the reign of James English colonisation in America began, and there is a very interesting and little known ballad on the foundation of Virginia. It was published in 1610 and is entitled 'Newes from Virginia of the happy arrival of that famous and worthy knight, Sir Thomas Gates, and well reputed and valiante captaine Newport, in England.' It describes the shipwreck of Gates and his company at the Bermudas on the third voyage to Virginia, how they built two pinnaces of cedar wood, and finally reached the colony safely, but found it

[1] Arber, *Stationers' Registers*, iii. 387.

[2] *Pepysian Ballads*, i. 68; Caulfield, *Council Book of Cork*, p. 102. There is also in the *Pepysian Ballads*, i. 70, a ballad on a battle between two hosts of birds in Ireland said to have taken place on September 8, 1621.

[3] There is in the possession of the Society of Antiquaries a ballad called 'Mount Taragh's Triumph,' celebrating a review held by Lord Deputy Falkland on July 5, 1626, but that is the only other ballad relating to Ireland during the first forty years of the century that I have found.

in deep distress. In June 1610 Lord Delaware arrived with fresh supplies just as the colonists were about to abandon their enterprise and return to England. The ballad gives a very prosaic account of all these events, but records with more spirit than usual Delaware's cheerful message to the Adventurers at home:

'To the Adventurers thus he writes,
Be not dismayed at all,
For scandall cannot doe us wrong;
God will not let us fall.
Let England know our willingnesse,
For that our worke is good;
Wee hope to plant a nation,
Were none before hath stood.'[1]

In order to find money for the maintenance of the colonists and to send out supplies and reinforcements, the Government of James I authorised a series of lotteries. The first of these was drawn in June 1612. The lottery was advertised in a prose pamphlet which has perished, and in a ballad preserved in the Pepysian collection.[2] Like the ballad previously quoted it enlarged on the excellence of the work the Adventurers had taken in hand.

Englishmen were reminded that the plantation of Virginia was a national enterprise begun in the days of Elizabeth, and also told that by venturing their money they might gain prizes worth thousands of pounds.

A London tailor, Thomas Sharplesse, won the chief prize, four thousand pounds 'in fayre plate.' Others were less lucky. The churchwardens of St. Mary Colechurch ventured six pounds of the parish stock, and gained in return two spoons worth twenty shillings. But the speculation was tempting, and other lotteries for the same purpose followed.[3]

[1] Brown, *Genesis of the United States*, i. 420.

[2] *Pepysian Ballads*, i. 190. Printed in full in the appendix to this paper.

[3] On the lotteries see Alexander Brown's *Genesis of the United States*, ii. 570, etc. A facsimile of a broadside relating to the lottery of 1616 is given at p. 760 of his book.

A third ballad, now lost, bore the title of 'Mourning Virginia,' and was registered July 10, 1622. It certainly celebrated the attack of the Indians on the colony in that year, when 347 of the colonists perished.[1]

These ballads on the colonisation of Virginia illustrate one feature of the expansion of England during the seventeenth century. Another side of the same subject is illustrated by the naval ballads. Only four or five of these have been preserved, but they all refer to incidents happening in the Mediterranean or off the coast of northern Africa, and to the hard struggle which English merchants had to go through with the pirates of Barbary and the privateers of other nations when they first began to trade regularly to the Levant. Two belong to the year 1609, one being the 'Seamen's Song' of Captain Ward, the Englishman, and Captain Danseker, the Dutchman, two Christian renegades who infested the Straits of Gibraltar and taught the Moors the art of navigation. Two years later, in 1611, we have the ballad called 'The Sailor's Only Delight,' which describes how the *Sweepstake* was taken and her crew thrown into the sea by a French privateer, and how the *George* and her crew avenged them by inflicting the same fate on the Frenchmen.[2]

'Such mercy as you have shewed unto them,
The like mercy shall you have againe.'

'Wee laid them aboard on the larboard side,
And we threw them into the sea so wide.'

'Lord, how it grieves our hearts full sore!
To see the drowned Frenchmen swim along the shore.'

With the exception of these ballads about pirates and privateers, the reign of James I produced few sea ballads, nor was it more prolific in military ballads. The great

[1] Arber, *Stationers' Registers*, iii. 492; iv. 36.

[2] *Roxburghe Ballads*, vi. 408, 423, 784. These three ballads, together with a later ballad on Captain Ward and a poem on the captives at Algiers, are reprinted in *Naval Songs and Ballads*, 1907, pp. 23–33.

war had ended in 1604 and there were few stirring exploits to chronicle now. The ballad-writer was therefore confined to a more limited circle of subjects. Any event which happened in the royal family was a godsend—whether it was a death or a marriage. Nevertheless few specimens of these effusions have reached us. The death of Prince Henry in November 1612 is an instance. 'The lamentation made for him was so general,' says Sir Simonds D'Ewes,[1] 'as men, women and children partook of it.' The list of elegies and laments in prose and verse compiled by a later writer fills nine pages.[2] Four ballads are entered in the 'Stationers' Registers': 'England's Sorrow,' 'A Complaint against Death,' 'A Farewell to Prince Henry,' and 'The Life and Death of the late Noble Prince Henry.' There was also a fifth published at the same time, 'A ballad of Britain's greatest comfort, or Great Britain's hope for the royal Prince Charles.' None of these survive.[3]

There is, however, preserved in manuscript, a ballad entitled 'The Good Sheepheard's Sorrow for the death of his sonne, Prince Henrye,' a lamentation put in the mouth of King James, who is represented in the person of a shepherd:

'In sad and ashy weeds I sigh, I pine, I grieve, I mourne,
My oates and yellow reedes I now to jeat and ebon turne.'[4]

There are also some lines attributed to King James on the death of his wife, Anne of Denmark, which took place on March 2, 1619. In them the death of the Queen is

[1] *Autobiography of Sir S. D'Ewes*, ed. Halliwell, i. 46.

[2] Nichols, *Progresses of James I*, ii. 504–12.

[3] Arber, *Stationers' Registers*, iii. 506, 508, 511.

[4] Printed in *Ballads from MSS.* ii. 292. The tune 'In sad and ashy weeds' is given by Mr. Chappell in *Old English Popular Music*, i. 156. The words appear to have been first printed in the *Crown Garland of Golden Roses*, ed. 1631. This was probably the ballad called 'The Shepherd's Lamentation,' entered in the *Stationers' Registers* under November 19. Arber, iii. 503.

associated with the appearance of the comet, which had caused much discussion in the preceding December:

> 'Thee to invite the great God sent his star,
> Whose friends and nearest kin good princes are.'

However, these lines appear to be an altered version of the 'Epicedium' sung at the Queen's funeral, and were not, seemingly, attributed to the King at the time.[1] Many poets wrote elegies on the Queen, and both Oxford and Cambridge published collections of verse upon her death.[2] But only one ballad has survived, and that is not entered in the 'Stationers' Registers.' It is called 'A Servant's Sorrow for the Loss of his late royal Mistress Queen Anne,' was sung to the tune of the ballad on Prince Henry, viz. 'In sad and ashy weeds,' and begins, 'In dole and deep distress.'[3]

Another event in the history of the royal family was the marriage of those 'two peerless paragons of Christendom,' as John Taylor the Water Poet called them, the Princess Elizabeth and Frederick Count Palatine, which was celebrated on February 14, 1613. The Masques written by Campion, Chapman, and Beaumont for the occasion we have, but the five ballads entered in the 'Stationers' Registers' have all perished.[4]

Of the King himself the ballads tell us little. But there are a number of poems preserved in MS., and printed in the eighteenth and nineteenth centuries, which illustrate the progresses through England in which James, like Elizabeth, delighted, and in particular the visits which he paid to the two universities. In the summer of 1605 he visited

[1] For the lines see *Ballads from MSS.* ii. 290, and *Court and Times of James I*, ii. 150. On the comet see *Court and Times of James I*, ii. 110; *Autobiography of Sir S. D'Ewes*, i. 136; Rushworth, *Historical Collections*, i.

[2] A list of these poems is given by Nichols, *Progresses of James I*, iii. 543–45.

[3] Printed in *Old Ballads, 1723–5*, iii. 139.

[4] The Masques are reprinted by Nichols, who also gives a bibliographical list of the tracts and poems published. *Progresses of James I*, ii. 624. See also Arber, *Stationers' Registers*, iii. 512, 515, 518, 520.

Oxford, in March 1615 Cambridge.[1] The rivalry of the two Universities produced, in Anthony Wood's phrase, 'many idle songs,' in which the wits of the one jeered at the entertainments offered to the King by the other.

The best of them is one by Richard Corbet, afterwards Bishop.

'It is not yet a fortnight since
Lutetia entertained our Prince,
And vented hath a studied toy
As long as was the seige of Troy;
And spent herself for full five days
In speeches, exercise, and plays.'[2]

It called forth many answers which are not without interest, though inferior in wit to Corbet's. There is for instance 'A Cambridge Madrigal in answer to the Oxford Ballad.'[3] There is also 'A Courtier's Censure of the King's entertaynment at both the Universities,' which professes impartiality, and ends:

'But howsoe'er, I thus conclude,
As friend to either place
They will be fools until they leave
Each other to disgrace.'[4]

This visit has also a bearing on the constitutional controversies of the time, namely, on the struggle between the common law and the ecclesiastical law. The great event of the King's visit to Cambridge was the performance of a Latin play called 'Ignoramus,' by George Ruggle of

[1] Nichols, *Progresses of James I*, i. 513; iii. 43.

[2] Printed in Nichols, *Progresses of James I*, iii. 66; *Corbet's Poems*, ed. Gilchrist, p. 13; Hawkins, *Ignoramus*, p. cvii.

[3] It begins 'A ballad late was made, but God knows who's the penner.' Hawkins, p. cxv; Nichols, iii. 66. Two other answers, 'News from Cambridge' (beginning 'Of all the Universities') and 'A certain mordant and ingenuous reply of Cambridge' ('Sister, though you suppose us spent'), are printed in Huth's *Inedited Poetical Miscellanies*, 1870.

[4] Hawkins, p. xxxvii. Nichols, iii. 73. Also printed under the title of 'A New Quaint Ballad of Cambridge' in Huth's *Inedited Poetical Miscellanies*, 1870.

Clare, which was a bitter satire on the common lawyers, and delighted James I. It called forth many angry replies from the lawyers and their friends. For instance—'A General Verdict of a Grand Jury whereby the Comical Divines of Cambridge are *coram rege domino* convicted as the Idiots of an apparent Ignoramus.' The argument is that Cambridge scholars were really ignorant fools: the law was a sacred thing which inspired this land as the soul did the body. There is another answer in lines headed 'Upon the Divine Comedians of Cambridge, who in their pedantical acts before the King's Majesty abased the lawyers.' [1]

It was long before the controversies which this visit of King James to Cambridge caused were forgotten. When he visited Cambridge again with the Spanish ambassador in 1624, an Oxford wit wrote a bitter lampoon on the doctors created to celebrate the event.[2] Further, since the Cambridge wits had caricatured, in the person of Ignoramus, Francis Brackyn, the Recorder of Cambridge, the play embittered the struggle between the town and the university which was in progress at the time. The corporation of Cambridge was seeking to be raised from a free borough to a city, which the university vehemently opposed. Dr. Bass Mullinger goes so far as to say that Ruggle's composition led to the final defeat of this movement and was 'the cause why Cambridge is not at the present day a city.' [3]

[1] Both these are printed in Huth's *Inedited Poetical Miscellanies*. Nichols gives eight lines of the second, with a different title, and mentions two other unpublished answers amongst the *Harleian MSS. Progresses*, iii. 75. On the relation of the play to the constitutional struggle see J. Bass Mullinger, *History of the University of Cambridge*, ii. 527.

[2] *MS. Rawlinson Poet.* 160, f. 191 (Bodleian Library). See also Nichols, *Progresses of James I*, iii. 1008.

[3] The *University of Cambridge*, ii. 547. There is a poem on the subject in the Bodleian (*MS. Rawlinson Poet.*, 62, i. 42).

'The town of Cambridge now
They say shall be a city,
They'll plague us all, both great and small,
Because we are so witty.
Bulls and bears and bawling curs
Are come to town—what say you, Sirs?'

The verses called forth by the disputes of the two universities, or the quarrels of the followers of the civil law and the common law, naturally appealed to a limited class. The ordinary ballad maker, seeking to sell his productions to Londoners, wisely preferred to narrate incidents in the history of the city or to celebrate the charms of life in London. There are a number of ballads written during the first half of the seventeenth century describing the attractions of the city or the habits of citizens, but it is usually impossible to date them with exactness. Of ballads relating to particular incidents in the history of London a few survive, but most have perished. There are for instance four ballads on the plague of 1603–4 entered in the 'Stationers' Registers,' but none of them survive.[1] On the other hand a ballad lamenting the postponement of the Lord Mayor's Show, in consequence of the plague, has been preserved.

'For loe the sport of that great day,
In which the Mayor hath leave to play
And with him all the town,
His flag and drum and fife released,
And he forbad to goe afeast-
ing in his scarlet gown.

'The pageants and the painted cost
Bestowed on them, are all quite lost,
For now he must not ride;
Nor shall they hear the players' tale,
Who mounted on some mighty whale,
Swim with him through Cheapside.'

I pity most of all, concludes the poet, the daughters of the citizens: they lose the chance of showing their fine clothes, of feasting, and of making good matches.

'Babes that never must be born
Shall weep to hear it told.'[2]

[1] Arber, *Stationers' Registers*, iii. 242–5.

[2] Mackay, *Songs of the London Prentices and Trades*, p. 28 (Percy Society, 1841). There is also a good song on the removal of the law term to Winchester on account of the plague.

During 1603, 30,000 persons are said to have died in London, and the theatres were closed for six months. Two other events in the annals of the theatres are recorded in ballads, viz. the burning of the Globe Theatre on June 30, 1613, and the riot of March 4, 1617, when a mob of apprentices sacked and partially demolished the Cockpit in Drury Lane. These ballads are printed in Collier's 'Annals of the Stage.' [1] In addition to these there are certain songs in MS. One refers to the zeal of a Puritanical Lord Mayor, who may be identified with Sir Francis Jones, the occupant of that office in 1620.

> 'O fortunate city, rejoyce in thy fate,
> Thou hast so religious a chief magistrate;
> Old Jonas the second is sent unto thee,
> As Jonas the first to old Ninevee,
> Thou penitent citie of London.' [2]

In spite of their religiousness the citizens of London were very slow to repair St. Paul's. James I took the matter in hand and in April 1620 issued a commission for the purpose. One ballad celebrates the progress of the repairs and the clearing away of some of the shops which deformed the exterior of the cathedral. Another upbraids the citizens with their neglect and slowness in this good work.[3]

Just as in the case of the city there are many ballads about London life, but few referring to definite incidents, so it is in the case of the country. Many recorded in the 'Stationers' Registers' have perished, while of those which survive few can be accurately dated. Two economic processes which deeply affected the condition of the agricultural classes were going on during the early part of the

[1] *English Dramatic Poetry*, i. 371, 386; *Gentleman's Magazine*, lxxxvi. 114. The ballad on the riot of the apprentices looks very suspicious.

[2] *MS. Rawlinson Poet.* xxvi. f. 38.

[3] *Tanner MS.* cccvi. f. 259; Fairholt, *Civic Garland*, p. xi. (Percy Society, 1845). See also Nichols, *Progresses of James I*, iii. 593, 604; and Milman, *Annals of St. Paul's*, pp. 318, 335.

King's reign: a rise in rents accompanied by the enclosure of common fields. This led to 'The Midland Revolt of 1607,' of which there is an admirable account in Mr. E. F. Gay's paper in the 'Transactions' of this Society for 1904 (vol. xviii. new series, pp. 193). It was a movement directed in the main against enclosures, stimulated by a temporary dearth at the moment, and by the rise in rents mentioned. These riots were so serious that it is surprising there is no specific reference to them in the ballads we have, but we know there were such ballads at the time. A letter addressed to the Earl of Rutland encloses a libel thrown into a Norfolk church:

'You gentlemen that rack your rents and throw down land for corn.' [1]

All that the 'Stationers' Registers' supply is the names of two ballads printed in the autumn of 1607, which indirectly refer to the topic by means of foreign examples. For instance on September 3 there was entered 'News from Antwerp, or a Glass for greedy Farmers,' and on September 4, 'God's Judgment showed upon a covetous Encloser of common pasture in Germany, who was strangely trodden to death by his own Cattle.' On November 12, 1608, however, there was licensed 'A just complaint made by the poor people of England against the covetousness of greedy farmers, which cause a dearth of plentiful things.' [2] This is described as 'an old ballad' reprinted. None of the three ballads mentioned seem now to exist, but there are a certain number of ballads dealing with the agricultural questions, some directed against rack-renting, others against the engrossing of corn.

One of the oldest is 'A Lanthorne for Landlords,' warning them not to eject widows that cannot pay their rent and not to store up corn against a dear year. It is obviously modelled on the story of the 'Babes in the Wood.'

[1] Report on the *MSS. of the Duke of Rutland*, i. 406.
[2] Arber, *Stationers' Registers*, iii. 359, 394.

The accounts of the fate of the widow's children and of the judgments which befell the wicked landlord, echo the ideas and phrases of the older ballad. One of the great crimes of the landlord was that, after evicting the widow, he turned her dwelling into a storehouse.

'This miserable wretch
Did turn it to a barne,
And filled it full in harvest time
With good red wheat and corne,
To keep it safely from the poore,
Until there came a yeere
That famine might oppress them all,
And make all victuals deare.'[1]

There are other specimens of ballads against covetous landlords and engrossers of corn in existence, but they belong to the later part of the century. Economic events are not like political events: they cannot as a rule be assigned to particular years. Conspiracies, State trials, deaths or marriages in the royal family are definite things about which no mistake is possible.

The opening of James's reign was marked by two plots which fill a considerable space in the histories of the time. Some nine ballads called forth by the Gunpowder Plot and the execution of those who took part in it are entered in the 'Stationers' Registers' during 1605 and 1606. One of these alone survives; the narratives of the conspiracy have perished, but there is a song of exultation over the execution of Garnet, the Jesuit priest condemned to die for high treason because he knew of the plot and had not revealed it. It is called 'The Shameful Downfall of the Pope's Kingdom.'

'Steeven Garnet (voyde of grace) knew when, and how, and where the place
That Treasons plotting were apace: to Papists' endless shame.'[2]

[1] *Roxburghe Ballads*, i. 547.
[2] Arber, *Stationers' Registers*, iv. 312, 314, 319, 320.

Like a wolf he had plotted to devour the souls of the king's simple subjects, and like a wolf he had been caught in his den, and was now brought to London.

'In Paule's church-yard, on scaffold high,
Was built a gibbet painefully,
On which this ravenous woolf should dye,
To Papists endlesse shame;
Unto which place they did him bring,
Therefor to learne him for to swing,
And take his farewell in a string:
To Papists' endlesse shame.' [1]

All other extant ballads about the plot seem to have been written much later, most of them in the latter part of the seventeenth century or beginning of the eighteenth century, but there are two of earlier date which deserve mention. There is one in the collection of the Society of Antiquaries, which was published in 1625—it is called 'A Song or Psalm of Thanksgiving in remembrance of our great deliverance from the Gunpowder Treason.'

'O let us not forget, good Lord,
But grant we may remember,
What thou didst do for us and ours
The fift day of November.' [2]

There is also a burlesque narrative of the discovery of the plot, which Mr. Ebsworth believed to be contemporary. But the earliest copy of it known is that printed in the 'Choyce Drollery' of 1656, and the probabilities are that it was written in the reign of Charles I rather than that of James I. At the time of its discovery the plot was not held a matter for jesting.[3]

[1] *Roxburghe Ballads*, viii. xv***. The unique original is imperfect. Mr. Ebsworth does not say where it is to be found.

[2] Lemon, *Catalogue of Broadsides*, p. 77.

[3] *Choyce Drollery*, ed. Ebsworth, 1876, p. 40. *Roxburghe Ballads*, iv. 273; viii. 757. Reprinted also in *Political Merriment*, 1714, ii. 151. Mr. Ebsworth's main argument for holding the ballad to be contemporary is that its refrain is the same as that of the ballad on 'The Pedigree of King James' printed in 1603. On the other hand verse 8 seems to refer to the defeat of the Spanish fleet off Dover by the Dutch in October 1639.

Another plot, that known as 'The Main'—a vague design for the overthrow of James and the elevation of Arabella Stuart to the throne—led to the imprisonment of two nobler and more innocent victims—Arabella Stuart herself and Sir Walter Raleigh. Arabella was next heir to the throne after James and his children, and she became an object of jealousy to James, especially after her private marriage with William Seymour in July 1610. She escaped in June 1611, got on board a French vessel in the Thames, and sailed for Calais, but was captured on her voyage, brought back, and lodged in the Tower.

A ballad popular for two centuries, of which copies exist in all the great collections, related her unhappy story. It is called 'The True Lovers' Knot Untied: being the right Path whereby to advise Princely Virgins how to behave themselves, by the Example of the Renowned Princess the Lady Arabella, and the second son of the Lord Seymour late Earl of Hartford.'

Arabella, landing in England after her recapture, laments to King James her unhappy fate, and tries to move his pity.

'I would I had a milkmaid been,
Or born of some more low degree,
Then I might have loved where I liked
And no man could have hindered me . . .
Love is a knot none can unknit,
Fancy a liking of the heart;
Him whom I love I cannot forget,
Though from his presence I must part.

'The meanest people enjoy their mates,
But I was born unhappily,
For, being cursed by cruel fates,
I want both love and liberty.

[1] In *Ballads from MSS.* ii. 293 there are some verses 'against the Papists for thinking it meritorious to kill the King and all his Protestants.' There are also some verses addressed by a Catholic to George Jarves, a priest, executed on April 11, 1608, urging him to stand fast for the faith and to remember Campion.

But death, I hope, will end the strife
Farewell, farewell, my love (quoth she),
Once I had thought to have been thy wife,
But now am forced to part with thee.'

'After that time,' concludes the ballad, 'Arabella fair did never see Lord Seymour more.'[1] She died a distracted prisoner in the Tower in September 1615; her husband, who had escaped to Flanders, lived to take part in the civil war as Marquis of Hertford, and died in October 1660. Mr. Ebsworth took the ballad to belong to the reign of James I, and to be a contemporary expression of sympathy with the unhappy lady. It appears to me to have been written later, probably soon after the death of William Seymour. At all events the earliest printed copies were published in the reign of Charles II, and licensed by Roger l'Estrange, who did not become licenser till 1663.

Sir Walter Raleigh was condemned to death in 1603, on very slight evidence, for his supposed share in the plot to raise Arabella to the throne. Before that, he had been disgraced and dismissed from his post of captain of the guard. His misfortunes were not lamented, because he was unpopular as the enemy of the Earl of Essex and one of the supposed contrivers of his fate. Two poems, 'Raleigh's Caveat to secure Courtiers' and 'The Despairing Complaint of wretched Raleigh for treacheries wrought against the worthy Essex,' illustrate this unpopularity.[2] In 1618, when, after the failure of his expedition to Guiana, he was brought to the scaffold, the feeling of the nation had changed to admiration and pity. The contemporary verses written upon him and the many copies of his own verses preserved in manuscript are signs of this general sympathy. Though the 'Registers of the Stationers' Company' do not record their existence we know that his fate also inspired ballads. On

[1] For the text see *Roxburghe Ballads*, vii. 601. See Lord Crawford's *Catalogue of Ballads*, nos. 101–103; and for the tune Chappell's *Old English Popular Music*, i. 274.

[2] *Ballads from MSS.* ii. 252, 262.

November 21, 1618, John Chamberlain wrote to Dudley Carleton:

'We are so full still of Sir Walter Raleigh that almost every day brings forth somewhat in this kind, besides divers ballets, wherof some are called in, and the rest such poore stuffe as are not worth the overlooking, but when this heate is allayed, we shall have a declaration touching him, that shall contradict much of that he protested with so great asseveration, but the proofes had neede be very pregnant and demonstrative, or els they will hardly prevaile; the other verses go abrode in the K[ing]s and Sec. N[aunton's] name, though I never heard before that he had the vertue of versiefieng, and I shold have thought he had not now the leasure.'[1]

An example of the 'poor stuff' to which Chamberlain referred, survives in the Pepysian collection, and is entitled 'Sir Walter Raleigh his lamentation.' It is so badly printed that it is sometimes illegible. Raleigh laments the golden days when he lived honoured and beloved in Queen Elizabeth's court, and confesses that his folly and disloyalty have brought him to his death. The good gentlemen who had sailed with him to Guiana had suffered by his fault—by his 'wicked will.' His sentence is a just one.

'All you that hither come,
thus to see, thus to see,
My most unhappy doome,
pittie my ending.
A Christian true I die,
Papistrie I defie,
Nor never Atheist I
As is reported.

'You Lords and knights also,
In this place, in this place,
Some gentle love bestow,
Pity my falling,

[1] *S.P.Dom. James I*, ciii. n. 102, apud *Raleghana*, part vii. p. 15, by T. N. Brushfield. See *Court and Times of James I*, ii. 99, 104, 106.

As I rose suddenly,
Up to great dignity,
So I deservedly
die for my folly.'

So with a word to his wife and children he bids farewell to the vain shadows and deluding shows of the world:

'Thou that my headsman art,
When thou list, when thou list,
Without feare do thy part,
I am prepared.'

His last word is for his country,

'Farewell, sweet England.'

The most popular ballad with which Raleigh's name is associated is that entitled 'Sir Walter Raleigh sailing in the Lowlands, showing how the famous Ship called the Sweet Trinity was taken by a false Gally, and how it was again restored by the craft of a little Sea-boy who sunk the Gally.' The extant broadsides of this ballad were not printed earlier than 1682, and it is clear that it represents a traditional story with which Raleigh's name was only accidentally associated. Under the title of 'The Golden Vanity' the ballad was reprinted up to the nineteenth century.[1]

It must not be supposed that public events or the good and evil fortunes of the great were the chief subjects of the ballad writer. A much greater number of the ballads of the time which survive, and even more of those which have perished, dealt with incidents of no political importance, with domestic tragedies, with the deaths of commonplace criminals, with stories of strange portents abroad and at home,

[1] *Roxburghe Ballads*, vi. 421; cf. Child, *English and Scottish Popular Ballads*, v. 135. It was sung to the tune of 'Sailing in the Lowlands.' Perhaps there was an earlier ballad on Raleigh with this title and his name was transferred from it to the extant one.

or with the news of the day. And besides these there was a great mass of amatory and legendary literature. There are three dated examples of the ballad of crime in the Pepysian collection: a narrative of the execution of John Flodder, who was executed in 1615 for burning the town of Norwich; the lamentation of Anne Waller who was burnt in 1616 for murdering her husband; the trial of three Lincolnshire witches in 1619 for maleficent attempts against the Earl of Rutland's family.[1] And besides these there are others in the same collection which probably belong to the reign of James I.[2]

There were ballads, now lost, on the plague of 1604, the floods of 1607, and the great frost of 1608.[3] Of the judgments and portents there are many good examples still extant. For instance 'A dolefull dittye of five unfortunate persons that were drowned in their drunknes in crossing over the Thames neare Ivy Bridge upon sundaye night the 15 of October last 1616; set forth for an example to all such prophaners of the Lord's Sabaoth daye.'[4] There is 'Pride's Fall,' the story of a babe born in 1609 to a merchant's wife in Jena, which had a ruff round its neck and other unusual additions.

'From the head unto the foote
Monsterlike was it borne,
Every part had the shape
Of fashions daylye worne.'

This was a warning to 'fair English dames' against pride in apparel. There is the story of the Dutch maiden who lived without taking any food for sixteen years, sustained

[1] *Pepysian Ballads*, i. 124, 130, 132.

[2] Probably the ballads on John Spenser (i. 114, 5) and Richard Price (i. 116) belong to reign of James I. I should assign Henry Adlington (*Shirburn Ballads*, p. 106) and Ned Smith and William Purcas to this reign also (*Roxburghe Ballads*, ii. 465; ii. 28).

[3] Arber, *Stationers' Registers*, iii. 244, 273, 340, 341, 371.

[4] *Shirburn Ballads*, p. 68.

entirely by smelling flowers. That was a warning for England too:

'That belly gods and drunkards all
Might hereby take good heede,
How they their unsuffised mawes
Doe daily stuffe and feede.'

Besides these there is the account of the three dead men who, on September 20, 1616, in a certain city in Germany, rose out of their graves to bid all the nations on the earth repent.[1]

Moralists of the period, when they turned their eyes to the court of James I, had ample reason for preaching the need of reformation. The revelations which resulted from the investigation into Sir Thomas Overbury's murder justified the feeling with which Puritans regarded the King's court and his favourites. The public trial of the criminals excited an amount of popular attention which explains the space allotted to the story in contemporary narratives of the reign.[2] Sir Simonds D'Ewes says:

'It was much pitied that Sir Jervis Elvis, Weston, and Franklin had suffered, who were merely instruments to execute that murder which the Countess of Somerset had originally plotted and principally acted; and yet that she and her husband should escape. This discontent gave many satirical wits occasion to vent themselves into stingy [stinging ?] libels; in which they spared neither the persons, families, nor most secret advowtries of that unfortunate pair.' [3]

Some of these still survive in MS. and one or two have been printed, but they are generally unquotable.[4]

[1] *Shirburn Ballads*, pp. 55, 77, 134.

[2] For instance in Sir Anthony Weldon's *Court and Character of King James*.

[3] *Life of Sir S. D'Ewes*, ed. Halliwell, i. 87. D'Ewes quotes a couple of anagrams.

[4] An epigram beginning 'From Katherine's dock there lanch't a Pinke' is printed in the *Farmer Chetham MS.* (p. 121), edited by Dr. Grosart for the Chetham Society. It is also to be found in Huth's *Inedited Poetical Miscellanies*.

The library of the Society of Antiquaries contains five ballads or verse broadsides, mostly adorned by portraits of the persons concerned.[1] There is one entitled 'Sir Thomas Overbury or the Poysoned Knight's Complaint.' There are two on Mrs. Turner—'Mistress Turner's Farewell to all women' and 'Mistress Turner's Repentance.' There is one upon Sir Jervas Elwes, the Lieutenant of the Tower, and another on James Franklin, the apothecary who supplied the poison.[2] Three of these five have never been reprinted; two of them, 'James Franklin's Arraignment and Confession' and 'Mistress Turner's Repentance' are accessible in a limited reprint.[3] An elegy named 'Franklin's Farewell' is better known.[4]

The general discontent turned against the King's ministers rather than against the King. The Parliament called in 1621, was welcomed because it afforded an opportunity for stating the grievances of the nation, and making some one responsible for them.[5] It began with an attack on the monopolists, and in particular on Sir Giles Mompesson, whose patent for inns and alehouses was one of the most oppressive and unpopular. The Society of Antiquaries possesses a broadside portrait of Mompesson with verses underneath, a copy of which is also to be found in the British Museum.[6] Amongst the Pepysian ballads is one called 'The Deserved Downfall of a corrupted Conscience,' which gives a detailed description of the punishment of Mompesson's accomplice,

[1] Lemon, *Catalogue of Broadsides in the possession of the Society of Antiquaries*, pp. 44–46.

[2] Mr. Ebsworth gives the first line of each (*Roxburghe Ballads*, vii. 420), and mentions the existence of a lost ballad on the subject, *ib.* vii. 417.

[3] In Huth's *Fugitive Poetical Tracts*, vol. ii. nos. vii. and viii., published in 1875.

[4] It is to be found in *The Kentish Garland*, ed. by J. H. L. De Vaynes, 1882, ii. 557.

[5] There is a poem called 'The Subject's Joy for the Parliament,' written by John Taylor; Lemon, *Catalogue of Broadsides*, p. 53.

[6] Lemon, *Catalogue of Broadsides*, p. 54. *Catalogue of Satirical Prints in the British Museum*, p. 55. The latter of these reprints the verses; cf. *Court and Times of James I*, ii. 410.

Sir Francis Mitchell. He was publicly degraded from his knighthood, his sword broken over his head, and his spurs hacked from his heels, at the King's Bench Bar on June 20, 1621.[1] After the punishment of Mompesson and Sir Francis Mitchell came an attack on Lord Chancellor Bacon, first as one of the referees to whom petitions for patents of monopolies were referred, then as guilty of corruption in his administration of the Court of Chancery. Though there are no printed ballads on Bacon's fall, some bad satirical verses on it have reached us in MS.; 'Stand fast thou shaking, quaking keeper' begins one lampoon; 'Great Verulam is very lame' begins another. There is also a very spirited poem in his defence by William Lewis, one of his chaplains. 'When you awake, dull Britons,' says he, 'and behold what a great man you have cast aside, you will lament your folly.' He goes on to regret that 'the monster multitude' should thus become the supreme judge of matters above its sphere. The poem appeals, as Bacon himself did, from the judgment of contemporaries to the judgment of the next age.[2]

Three years after Bacon's impeachment the same fate befell Lionel Cranfield, Earl of Middlesex, and Lord High Treasurer. There must have been ballads published on his fall, but I have failed to discover either printed or manuscript verses upon it. Buckingham, who had raised Cranfield, threw him over when he ventured to oppose the war with Spain. The Duke's own position, in spite of royal favour, required him to find scapegoats to satisfy Parliament. Though he was too strong to be publicly attacked, ballads and verses were privately circulated attacking the favourite and his kinsmen. One enumerates the great matches of his

[1] *Pepysian Ballads*, i. 142.

[2] For the two libels see *Ballads from MSS.* ii. 278, and *Trevelyan Papers*, iii. 163. Lewis's poem is printed in *Ballads from MSS.* ii. 271, and in Grosart's *Dr. Farmer Chetham MS.* ii. 66. There are also a number of MS. copies in various places (*Ashmole MSS.* 38 (14), besides four in the British Museum.

sisters and cousins and the honour and wealth showered on their husbands.

'These are they beare the sway; whoe dare deny it?
Will you an office get? Thus you must come by it.'[1]

Dissatisfaction with the King's foreign policy swelled during the last seven years of his reign the rising tide of popular discontent, which grew to such a dangerous height at the beginning of the reign of Charles I. European events attracted increasing interest in England, especially after the commencement of the Thirty Years' War. There are a few ballads of earlier date dealing with events on the continent. For instance under May 15, 1610, a ballad was licensed called 'The Woeful Complaint of France for the late King Henry the Fourth.'[2] Another entered on August 11, 1613, celebrated the victory of eight Dutch ships sailing to the East Indies over seventeen great Spanish ships.[3] In the same year there was published a ballad on the peace between Denmark and Sweden.[4]

On October 22, 1614, there was licensed 'a ballett of the warres of the Lowe Countryes': this may possibly be the first entry of 'Mary Ambree,' which was certainly published during the first quarter of this century.[5]

More interesting, from a political point of view, than any of these is the ballad on the fall of the great Dutch statesman, John of Barneveld. He was suddenly arrested by order of Prince Maurice of Nassau on August 19, 1618, and executed on May 3, 1619. In August 1619, a play called

[1] Fairholt, *Poems and Songs relating to George Duke of Buckingham* (Percy Society, 1850), p. 1

[2] Arber, *Stationers' Registers*, iii. 433. The ballad on Henry IV is in the *Pepysian Ballads* (i. 112). It begins: 'France that is so famous, and late in joys abounded.' It is a poor ballad, and moreover somewhat imperfect.

[3] Arber, iii. 531.

[4] It begins: 'The Lord of Hosts hath blessed no land.' The original is *Pepys*, i. 100. On the peace see Stow's *Chronicle*, ed. 1631, p. 1006.

[5] See Hales and Furnivall, i. 515. Arber, *Stationers' Registers*, iii. 555.

'The Tragedy of Sir John Van Olden Barnavelt' attracted crowded audiences in London. Massinger and Fletcher—its joint authors according to the received view—were not unsympathetic in their treatment of Barneveld. 'They saw partially through the mists of popular error and prejudice; they refused to accept a caricature portrait, and proclaimed in unmistakeable accents the nobility of the fallen Advocate,' declares Mr. Bullen.[1] But the author of the ballad accepted as literally true all the absurd calumnies circulated by Barneveld's enemies at the moment of his arrest, and called his production 'Murther Unmasked or Barnevile's base Conspiracie against his own Country.'[2] He had plotted, it was said, to betray four frontier garrisons to the Spaniards and to murder Prince Maurice, all in order to establish popery in Holland.

'He did consult with Hell,
Impiously, impiously,
Their frontier towns to sell
To Austria's Duke;
To murther great and small,
With the English soldiers all,
That slept within the wall
Of every citie. . . .

'This tyger fierce of mind,
Mercilesse, mercilesse,
These towns would have resigned
To tyrants power;
Who would have banisht there
The gospel shining cleare,
And in its stead upreare
Trash and traditions. . . .

[1] The play was first printed by Mr. A. H. Bullen, in 1883, in vol. ii. of his *Old Plays*. On it see also Ward's *English Dramatic Literature*, ii. 716, ed. 1899. Some contemporary notices of the event are to be found in *Court and Times of James I*, ii. 90, 161.

[2] *Pepysian Ballads*, i. 108. See Motley, *Life of John of Barneveld*, ii. 287, ed. 1875.

'Of grace he had no touch,
In his heart, in his heart,
But still did favor much
th'Arminian faction:
And did his God forsake,
Which did him overtake,
And drencht him in the Lake
Of deepe destruction.'

His fate, in short, is treated as a warning to politicians not to plot against the Gospel, and to Englishmen to depart from Popery. Thus the ballad is rendered a sort of manifesto against the Romanising party in the English Church, and seems to foretell the famous resolution against English Arminians passed by Parliament in 1629.

A very curious ballad preserved in the library of the Society of Antiquaries deals with the close of the truce between Holland and Spain, which had begun on April 9, 1609, and was to last for twelve years. This ballad, which is apparently translated from the Dutch, is entitled, 'Treves Endt: The Funerall of the Netherlands Peace' and has a large engraving representing a funeral procession.

'Knowe ye who's lately dead and gone,
And shortly must in grave be laid?
These bells of Hell shal make it knowne
With thundering noise; it shall be said
And certified that Netherland
Her 12 yeares Truce hath laid in sand.'[1]

Holland, in the eyes of English Puritans, was the natural ally of England in the war against European Catholicism, but the commercial quarrels of the two countries had risen now to such a height that cordial co-operation in European politics was impossible. In February 1623, the animosity of the Dutch traders in the East Indies against their English rivals culminated in what was known as the Massacre of

[1] Lemon, *Catalogue of Broadsides in the possession of the Society of Antiquaries*, p. 56.

Amboyna. News of it did not reach England till May 1624,[1] and when it did the story was at once embodied in a ballad of which the only known copy is that in the 'Pepys Collection.' It is entitled 'News out of East India: of the cruell and bloody usage of our English merchants and others at Amboyna, by the Netherlandish Governour and Councell there.'[2] The ballad described in detail the torture and execution of ten Englishmen. In March 1625 a sermon on the subject was printed. 'There is a play or representation of all the business of Amboyna ready to be acted' wrote Chamberlain in one of his newsletters, 'and a large picture made for our East Indian company describing the whole action both in manner and form.'[3] Both were suppressed by the Privy Council, and the only play on the subject is that which Dryden produced in 1672 to stimulate English feeling against Holland when the third Dutch war began.

The excitement caused by the Amboyna massacre would possibly have caused a breach with Holland had not the Thirty Years' War turned all Englishmen's minds in another direction, and forced Protestant Powers to forget their quarrels for a moment. A ballad entitled 'Gallants, to Bohemia,' with a chorus of 'let us to the warres againe,' summoned Englishmen to arms. It is difficult to decide whether the maintenance of Protestantism or the acquisition of gold and silver was to be the chief inducement: the author appealed to both motives.

One verse spoke of fighting 'for true religion's right' and 'for God and his gospel,' others talked of 'golden prizes' and of Indian silver and pearls, and bade pilots take card and compass in hand,

> 'And hye again to Neptune's seas
> Where we'll have riches when we please.'

In short the ballad represented very fairly the prevalent

[1] Gardiner, *History of England*, v. 242; *Court and Times of James I*, ii. 45, 465.

[2] *Pepysian Ballads*, i. 94.

[3] *Court and Times of James I*, ii. 500.

opinion in England, that Bohemia must be defended by attacking Spain in the Indies as well as by sending volunteers to Germany.[1]

King James, however, aimed at defending the Palatinate and the cause of German Protestantism by diplomacy instead of arms, and persisted in seeking to recover his daughter's inheritance by matching his son with a Spanish princess. There are in the collection of the Society of Antiquaries a couple of verse broadsides describing the journey of Prince Charles to Spain and his happy return to England, but no printed ballads on the subject seem to exist in any of the collections. On the other hand there are in the Bodleian about eight ballads in manuscript, of which one or two may be copies of ballads printed at the time, though the rest are too satirical to have been published. Prince Charles set out on February 18, arrived at Paris on February 21, entered Spain on March 2, and reached Madrid on March 7. The marriage treaty was signed in July after long diplomatic haggling. The Prince left Madrid on August 30, sailed from Santander on September 12, and landed at Portsmouth on October 5. The ballads reflect the changing moods of England during these six months. At first great expectations were built on the Prince's journey.

> 'Our eagle is flown to a place yet unknown
> To meet with the Phœnix of Spain.'

He would return from Spain, not only with a bride, but with loads of money.

> 'We shall have gold more than London can hold
> Were the walls built as high as the heaven.'[2]

[1] 'Gallants to Bohemia' is in the *Pepysian Ballads*, i. 102. It is undated, but belongs apparently to the first half of the year 1620. There is also in the same collection (i. 104) an imperfect ballad about the 'High and Illustrious King of Bohemia' and his 'princely children.' From the references to 'Ludovica Hollandina,' a daughter born in April 1622, and 'illustrious Mansfield,' this second ballad seems to belong to the latter part of 1624.

[2] *MS. Rawlinson Poet.* clx. f. 187.

Another ballad said that, since the days of King Arthur or the Black Prince, no Prince of Wales had visited France in such a fashion. It expressed the fear that the French, if they saw through his disguise, would not let him go again, and ended with an attack on Buckingham and the King for letting the heir of England run such a risk. James was pictured mourning for the absence of his favourite — full of grief and sack.[1] Still more curious is a little pastoral attributed to King James himself, describing the general sorrow at the absence of Charles and Buckingham :

'What sudden change hath darkt of late
The glory of th' Arcadian state?
The fleecy flockes refuse to feede,
The lambs to play, the ewes to breede;
The altars smoke, the offrings burn,
Till Jack and Tom doe safe returne. . .

'What may it be that moves the woe?
Whose want affectes Arcadia soe?
The hope of Greece, the proppe of Arts,
Was princely Jack, the joy of hearts;
And Tom was to our royall Pan
The chiefest swayn and truest man.'[2]

The news of the difficulties raised by the Pope about granting a dispensation, which seems to have been circulated in England about May, caused rejoicing rather than regret.

'Now all the news upon the Exchange
Is of the golden Lady,
The Pope will not allow
King James shall be her daddy.

[1] 'For want of other matter I send you here certain verses made upon Jack and Tom's journey; for the Prince and Marques went through Kent under the names of Jack and Tom Smith. They were fathered first upon the King, but I hear since they were only corrected and amended by him.'—Chamberlain to Carleton, March 21, 1623 (*Court and Times of James I*, ii. 375). The verses are *MS. Rawlinson Poet.* xxvi. 21.

[2] *MS. Rawlinson Poet.* xxvi. 22.

'Count Buckingham and Cottington
With their Endymion swain,
Used their best tricks with Catholics
To bring our Prince to Spain.
But now he's there we need not feare,
The Lady must not marry:
God send our Charles safe home again
And let her worship tarry.

'Now God preserve our king and prince,
And a plague upon their foes,
With those that are Hispaniolised,
Or would their country lose.
And grant that those who matches make
Before the parties woo,
May go sell matches up and down
As now poor French folkes do.' [1]

Great, therefore, was the popular rejoicing when the Prince came home again, especially in London. 'Such spreading of tables in the streets with all manner of provisions, setting out whole hogsheads of wines and butts of sack, but specially such numbers of bonfires, both here and all along as he went, as is almost incredible.' [2]

As another ballad says:

'He was received with as much joy
As was the wandering prince of Troy
When he to Carthage went.
Some maudlin drunk did weep, and swore
That sweet Prince Charles should never more
Cross seas without consent.

'They vowed they now would show their care,
For they had all in him a share
As well as had the king.
So to the tavern they all went,
And every fool his verdict spent,
And then the bells did ring.'

[1] *MS. Rawlinson Poet.* clx. f. 77; *Tanner MS.*, cccvi. 258.
[2] *Court and Times of James I*, ii. 422.

A third sang :[1]

'The son of our most noble king
Went into Spayne to fetch a thing,
Perhaps you've heard of it before, before, before:
But there was such a doe about her,
That he was fain to come without her,
And I am very glad therefore, therefore, therefore.

'I would to God his Majesty
Of Spaine were here awhile to see
The jollity of our English nation, nation, nation,
Then surely he would never hope
That either he or else the pope
Could make here a romish plantation, -tation, -tation.'

In February 1624 Parliament met again, and James laid the history of the negotiations before them. Hope ran high :

'The Parliament sits with a synod of wits,
Knights, gentlemen, burgesses, peers ;
God grant they agree, and then you shall see
A jubilee crowning this year.'

It was a good thing, said everybody, that the match had failed :

'The Catholic king hath a little young thing
Called Donna Maria his sister,
Our prince went to Spain her love to obtain,
But yet by good luck he hath missed her.'

Spaniard never kept faith whatever he pretended, but now the King's eyes and England's were opened :

'The veil of the night that blinded our sight
Is drawn from our credulous eyes.'

The Spanish ambassador laid the blame of the failure of the match on Buckingham, but he would do better to hoist his sail for the voyage back to Spain.

[1] *MS. Rawlinson Poet.* 160, f. 180.

'There's nought can assuage the ambassador's rage
But the great Duke of Buckingham's head,
For the barbarous don, knows whilst it is on,
It will be their terror and dread.'

England was eager for war. In April 1624 Count Mansfeld landed in England, and was lodged in the very room in St. James's palace which had been prepared for the Infanta.

'The Infanta may go to the cloister, although
She was not disposed to wed,
Yet beat up your drum, for Mansfeld is come,
And received in her ladyship's bed.'[1]

England prepared for the recovery of the Palatinate by arms instead of diplomacy, and for revenge upon treacherous Spain. On April 21 a council of war of ten persons was appointed to deliberate on the necessary preparations.[2] In November, 12,000 pressed men were levied in England to serve under Mansfeld, and at the end of January 1625 they embarked for the continent. In the same November the contract of marriage between Charles and Henrietta Maria was signed amid general rejoicing.

'England and France, Hand-in-Hand,' is the title of a ballad on the contract.

'Such narrow seas run between both the lands
Dover and Callis almost may shake hands:
Let then the Ayre eccho with lusty peales,
Let our Thames leape for joy to heare our bells,
Bonfieres call people forth, and let them sing,
England on France bestowes a wedding Ring.'[3]

But there was one fact which threatened to endanger the good relations between France and England, which this marriage contract promised to establish. The French

[1] *Rawlinson MS. Poetical*, 172, f. 79. Gardiner, *History of England*, v. 222.

[2] *Ib.* v. 223. There is a broadside in the possession of the Society of Antiquaries representing this council, Lemon, p. 65.

[3] Lemon, *Catalogue of Broadsides in the possession of the Society of Antiquaries*, p. 69.

expected, as the Spaniards had done, that this match would secure lenient treatment for their co-religionists in England. Charles had signed a private engagement promising toleration for the English Catholics. On the other hand the feeling of the English people was bitterly opposed to any relaxation of the penal laws against Catholicism. Several ballads issued about this time show the strength of this feeling. One is entitled 'The Dismall Day at the Black Friers.' A number of Catholics had assembled in a garret attached to the French embassy to hear a Jesuit preach, when the floor gave way and ninety one of them were killed. This was on October 26, 1623. Popular superstition, reflected in the verses of the ballad, represented this accident as the judgment of God against Popery. 'God's mercies,' said the author, 'are boundless';

'Yet are his judgments likewise just and true,
To give to sinners their deserved due.'[1]

On May 6, 1624, James so far yielded to the anti-Catholic feeling of Parliament as to issue a proclamation requiring all Jesuits and seminary priests to leave the country before June 24, and never to return to it, under pain of 'the uttermost severity of the lawes.' A ballad by Martin Parker entitled 'A Scourge for the Pope'[2] celebrated this edict of banishment. The Jesuits must go:

'They had best be packing,
Their power is slacking,
Unless they love cracking
Their necks in a rope.'

Their converts would do well to recant again:

'Shake hands and bid adieu
To that deceitful crue:
What pittie 'tis that you
In blindness grope.'

[1] Gardiner, *History of England*, v. 271, 277.

[2] Lemon's *Catalogue of Broadsides in the possession of the Society of Antiquaries*, p. 60. See also Gardiner, *History of England*, v. 142; *Court and Times of James I*, ii. 428; *Catalogue of Satirical Prints in the British Museum*, pp. 33, 57, 58.

The English people must firmly maintain the laws against them:

> 'Give no permission
> To Rome's superstition,
> Upon no condition,
> Of promise or hope.
> Let due execution,
> And stout resolution,
> Expell all pollution
> That springs from the Pope.'[1]

It was at this crisis that the King died, bequeathing to his son a divided kingdom, and a domestic and foreign policy which, whether wise or unwise originally, increased the difficulties his successor had to face at home and abroad. There are elegies on James's death by many poets —John Taylor, Hugh Holland, Richard James, Thomas Heyward, and others.[2]

> 'Who can induce his mournful muse to sing
> The exequies of our deceased king?'

asked an anonymous poet, adding:

> 'A King is gone who for his wisdomes store
> England did never shew the like before. . .
> And in his praise some poet did indite
> This distich, which I underneath will write,
> "For wisdome, Salomon; David, for pietie;
> A heavenly man, if not an earthly deitie."'[3]

[1] The proclamation is number 1374 in Lord Crawford's *Catalogue of Proclamations*. Similar ones had been issued Feb. 22, 1604, June 10, 1606, and June 2, 1610. The ballad is in the *Pepysian Ballads*, i. 60. Compare with a 'Scourge for the Pope,' the engraved broadside entitled 'The Travels of Time' in the collection of the Society of Antiquaries (Lemon's *Catalogue*, p. 67). It is a pictorial treatment of the same subject with a verse dialogue appended. There is an imperfect ballad in the *Pepysian Ballads* (i. 62) entitled 'A New Year's Gift for the Pope,' which possibly belongs to the same date.

[2] Nichols, *Progresses of James I*, iv. 1050.

[3] 'A Funeral Elegie,' Lemon's *Catalogue of Broadsides*, No. 258.

APPENDIX

'London's Lotterie.

'With an incouragement to the furtherance thereof, for the good of Virginia, and the benefite of this our native Countrie; wishing good fortune to all that venture in the same.

'To the tune of 'Lusty Gallant.'

'London, live thou famous long,
thou bearst a gallant minde:
Plenty, peace, and pleasures store,
in thee we dayly finde.
The Merchants of Virginia now,
hath nobly tooke in hand,
The bravest golden Lottery,
that ere was in this Land.

'A gallant House well furnisht foorth,
with Gold and Silver Plate,
There standes prepared with Prizes now,
set foorth in greatest state.
To London, worthy Gentlemen,
goe venture there your chaunce:
Good lucke standes now in readinesse,
your fortunes to advance.

'It is to plant a kingdome sure,
where savadge people dwell:
God will favour Christians still,
and like the purpose well.
Take courage then with willingnesse,
let hands and heartes agree:
A braver enterprise then this,
I thinke can never bee.

'Our most royall King and Queene,
in princely forwardnesse,
Hath granted grace and favours both,
as thousands can expresse.

'Sweete natures Jem, Prince Henry he,
in love is not behinde:
The Nobles of the Land likewise,
we all doe forward finde.

'Well may this famous Lottery,
have good successe and speede,
When as the States of England thus,
doe such good liking breed.
Come Gallants, come; come noble mindes,
come venture now for Gold,
For smiling hope heere bids you all,
take currage, and be bold.

'Come Knights, and gallant Gentlemen,
put in your ventures all:
Let nothing daunt your willing mindes,
good fortune may befall:
Mee thinks I see great numbers flocke,
and bring in fast their Coyne:
And Tradesmen how in loving sort,
their Monyes all doe ioyne.

'Heere Pryzes are of great account,
not simple, plaine, and poore;
But unto Thousands doe surmount,
whereof there be some store;
And happely some men there be,
in gayning of the same,
May spend their dayes like Gentlemen,
in credite and good name.

'As lately heere in London was,
some unto Riches brought;
Where many mended their estates,
when they full little thought:
Yet heere are greater Pryzes farre,
as easly to be gaind,
And valued to more thousand poundes,
then hath the first containd.

'You London Merchants sending foorth
your fortunes to the Sea,
Heere may you purchase Golden worth,
and Countries love this way.
It pleaseth God, contentes the King,
in venturing thus your Store:
To plant that Land in government,
which never was before.

'Full many a man that lives full bare,
and knowes no joyes of Gold,
For one small Crowne may get a share,
of twice two Thousand told:
Then what is hee that feares to try
his fortunes in this kind,
When lucke and chaunce may make a man,
and thus great Riches find.

'You Maydes that have but portions small
to gaine your Mariage friend,
Cast in your Lottes with willing hand,
God may good fortune send.
You Widowes, and you wedded Wives,
one little substaunce try:
You may advance both you and yours,
with wealth that comes thereby.'

THE SECOND PART OF LONDON'S LOTTERIE.

To the tune of 'Lusty Gallant.'

'You Farmers and you Country men,
whom God hath blest with store,
To this good worke set helping hand,
and God will send you more:
What comes in love, will prosper well,
and be redoubled backe:
And they that thus for Countrie doth
can never live in lacke.

'The King, the Queene, and noble Prince,
gives courage to perswade:
The Peeres and Barrons of the Land,
hath not their loves denayde:

'Court and Citie doth the like,
where willingly each man,
To build up fast Virginia's state,
performes the best he can.

'The Merchants of the Easterne partes,
heere shewes both love and care;
And ventures Gold with joyfull heartes,
and thereof makes no spare.
Our gallant London Companies,
and Halles of high renowne,
Into Virginia's Lottery,
sendes freely many a Crowne.

'For good intent all this is done,
and no man wrongd therein:
Then happy fortune be his dole,
the greatest Prize can win:
And happy fortune be their guides,
that nobly thus maintaines
The planting of this New-found Land,
with cares, with cost, and paines.

'Let no man thinke that he shall loose,
though he no Prize poscesse:
His substaunce to Virginia goes,
which God, no doubt will blesse:
And in short time send from that land,
much rich commoditie;
So shall we thinke all well bestowd,
upon this Lotterie.

'Heere profite doth pleasure ioyne,
and bids each chearefull heart,
To this high praysed enterprise,
performe a Christian part:
Good Countrymen be forward then,
and with your Tallents small,
Adventure heere for good luckes sake,
and graunt your loves withall.

'We ought not live heere for ourselves,
but for our Countries good:
And Countries good, it is well knowne,
long hath this purpose stood:
For first, when Queene Elizabeth
heere livd, so much renownd,
This Land now call'd Virginia
by English-men was found.

'Sir Gilbert, Drake, and others more,
gave us thereof first sight;
But followed now by noble mindes,
with carefull course aright:
Desiring nothing for their paines,
but Countries love and favour:
Then reason calles our liberall aydes,
to this renowned labour.

'Who knowes not England once was like
a Wildernesse and savage place,
Till government and use of men,
that wildnesse did deface:
And so Virginia may in time,
be made like England now;
Where long-lovd peace and plenty both,
sits smiling on her brow.

'Our King, the Lord full long preserve,
the cause of all this pleasure:
The Queene, the Prince, and all his seed,
with dayes of longest measure:
And that Virginia well may proove
a Land of rich increase:
And England's government thereof,
good God let never cease.

'FINIS

'Imprinted at London by W. W. for Henry
Robards, and are to be sold at his shop
neere to S. Botulphes Church
without Aldgate 1612.'

RESPUBLICA CHRISTIANA

By the Rev. J. NEVILLE FIGGIS, Litt.D.

Read December 15, 1910

I THINK it was Lord Halsbury, in the Scotch Church case, who stopped one of the advocates in his use of the word Church,[1] saying that they as a Court had nothing to do with that, and that they could only consider the question as one concerning a trust. In other words, with a religious society as such they could not deal, but only with a trust or a registered company. This is only one instance of a fact exhibited in the whole of that case: namely, the refusal of the legal mind of our day to consider even the possibility of societies possessing an inherent, self-developing life apart from such definite powers as the State, or the individuals founding the body under State authority, have conferred upon them explicitly. In this view, apart from the State, the real society—and from individuals the living members of the State—there are no active social unities; all other apparent communal unities are directly or indirectly delegations, either of State powers or of individuals. To such a view the notion is abhorrent of a vast hierarchy of interrelated societies, each alive, each personal, owing to the State loyalty, and by it checked or assisted in their action no less than are private individuals, but no more deriving their existence from Government concession than does the individual or the family. In other words, these phrases

[1] Cf. Orr, *Free Church of Scotland Appeals.* All the speeches and judgments are there set forth in full. It is to be noted that Lord Macnaughten did take the more liberal view, advocated by modern writers,

of Lord Halsbury are but the natural expression of the concession theory of corporate life which sees it as a fictitious personality, the creation by the State for its own purposes, and consequently without any natural or inherent powers of its own. This theory is not so universally accepted as was once the case, but Professor Geldart's inaugural lecture on 'Legal Personality' shows how great are the obstacles still to be encountered by that theory of realism which is for most of us associated with the name of Gierke,[1] and was popularised by Maitland. The latter, moreover, has shewn how this very English institution of the *trust* has preserved us from the worse perils of the rigid doctrinaire conception of the civilian.[2] For under the name of a trust many of the qualities of true personality have been able to develop unmolested. But this has not been all to the good. It has probably delayed the victory of the true conception, by enabling us to 'muddle through' with the false one. Moreover, the trust is and assimilates itself always rather to the *Anstalt* or the *Stiftung* than to the living communal society, the true corporation, with its basis in the *Genossenschaft*; and consequently, as was proved in this Scotch case,

[1] Gierke, *Das Deutsche Genossenschaftsrecht*, especially vols. ii. and iii., is the prime authority for the discussion of this topic in reference alike to historical development in the ancient medieval world and in the post-Renaissance state, and to theoretical truth. In another work, *Das Genossenschafts Theorie*, Dr. Gierke shows, by an elaborate analysis of recent decisions both in state and federal courts in Germany, how entirely impossible it is to work with the rigid civilian theory; and how the courts and judges, while often paying lip-service to 'Romanist' notions, are driven in spite of themselves to make use of the more vital early Teutonic notions. The whole matter is intimately connected with that conflict described by Beseler in *Das Volksrecht und das Juristenrecht.* There is a short lecture of Gierke, *Das Wesen des Menschlichen Verbandes*, which is also very illuminative. Professor Jethro Brown in an Appendix to the *Austinian Theory of Law and Government* is worthy of study. There is a somewhat meagre account of the various theories in Carr, *The Law of Corporations.*

[2] Cf. Maitland, *Collected Papers*, vol. iii. Other papers in this volume are also important on this topic. But valuable above all is Maitland's long introduction to his translation of Gierke's *Political Theory of the Middle Ages.*

the necessary independence of a self-developing personality is denied to it, and its acts are treated as invalid on this very ground—that it is only a trust tied rigidly to its establishing terms, and not a true society with a living will and power of change.

However, it is not the truth or falsehood of the concession theory, or its realist adversary, that I am to discuss here, but rather its origin. I want to try for a little to see what lies behind it. The doctrine of which we speak could hardly be of modern origin. In the infinitely complex life of modern civilisation and its religious heterogeneity we observe, as a matter of actual fact, the phenomenon of vast numbers of societies all acting as though they were persons. They do manage to do all or most of the things which they would do even if the concession theory were not dominant. Indeed, it is only by a series of very transparent fictions that their activities are brought under this rubric. To all intents and purposes they act, not as fictitious but as real legal personalities. Of course the metaphysical question, what this personality really means, lies outside our limits, just as the question whether the will is free or determined has nothing to do with the State in its treatment of the individual. No one is debarred from believing determinism because the State treats its citizens as free agents. Further than this the *Taff Vale* decision is significant, for it tended to show that corporate life was a thing natural and arising of itself in bodies of men associated for permanent objects, and that it could not be destroyed by the process of ignoring it; in other words, that Trades Unions were personalities, in spite of their own wishes, and in spite of the Act of Parliament which had allowed to them much of the liberty of corporate personality while preserving them from its liabilities. That the House of Lords upheld Mr. Justice Farwell in this case, and at the cost of much odium, is also evidence that the concession theory is not really congruous with the facts of life, and that it is not of modern origin, but is in some way an inheritance from the past. We see,

in fact, the horizons of the legal mind changing, and we gather that this mentality must relate to some time when, to speak of the two great bodies whose clash has been unending, State and Church were so bound together in unity that they could not be conceived, either of them, as a separate society with a separate life, but each appeared as different aspects or functionings of one and the same body. Such a time is, of course, remote from the world we live in.

Let us now take an instance from a Continental country, France. In France the concession theory has long reigned practically unchecked, alike as a legal theory and even as a political maxim. It burst into renewed activity only the other day in the Associations 'Loi.' Rousseau and his followers have always been opposed to allowing any inherent rights to bodies other than the sovereign people. There were, at least in earlier theory, rights of man and there were rights of the State. There were no rights of any other society. But for their obsession with this doctrine, the statesmen of the Revolution could never even have dreamt of such a project as the *Constitution Civile* of the clergy. Now, however, men have gone even farther, and deny all rights at all except those of the Republic one and indivisible. M. Emile Combes put it, writing in an English review, 'There are no rights but the rights of the State; there is no authority but the authority of the Republic.' As I said, it is the origin, not the validity, of this conception with which I am concerned this evening. On this very controversy there was published a volume of collected speeches by M. Combes, with a preface by M. Anatole France. It is called 'Une Campagne Laïque.' That title contains, in my view, the key to the mystery. Consider for a moment that M. Combes is not a layman, but an unbeliever; he is a fanatical anti-Christian, and would repudiate with scorn any notion that he was a lay member of the Catholic Church. He is a Secularist, pure and simple, and the whole campaign for the laicisation of the schools, whether in France, or Spain, or

Portugal, is a campaign for their entire secularisation, as we well know and is never denied. The ludicrous difficulties into which the need of removing all Christian and Theistic reference sometimes leads the compilers of text-books have been frequently observed. Laicisation might very well describe the Kenyon-Slaney clause in England and is a not unfair description of some parts of the undenominationalist movement, for that is, at least in name, a Christian movement, and is directed to removing education from clerical control, direct or indirect, and substituting a purely lay authority—still Christian. In France, of course, no such aim was ever suggested, and the Extremists have never made any difficulty about declaring that their object was to *de-Christianise* the nation. Why, then, should M. Combes use a term so essentially ecclesiastical as *lay* to describe his campaign? I answer that it was because he could not help it; the distinction that has ruled Europe for so many centuries has been a distinction, not between Christian and non-Christian societies, but between cleric and layman, between the spiritual and the temporal power, each of them exercised within the Church; between the ecclesiastical and the secular governments, each of them functioning within the body politic. M. Combes used the word *laïque* as an unconscious survival of the day when an attitude similar to his own could have been rightly described by that term. He slipped into it, because the categories of our thought are still ruled by influences that breathe of a different world. He was unconsciously, and in spite of himself, recalling a time when troubles between Church and State were not troubles between two societies, but between two departments of one society; not between Church and State conceived as separate social entities facing one another, like the College and the University, but rather as between Churchmen, i.e. ecclesiastics and statesmen, between the King's Court and the Papal Curia, between lawyers and bishops, between kings or emperors and popes. Only some sort of odd historical survival affords any explanation of

the use of such a term as *laïque* (which has no meaning except in relation to the Church and the clergy) by so violent an anti-Christian as M. Emile Combes. But this is not all. It seems to point to a narrower use of the term Church than that in vogue to-day. In common parlance the Church in the Middle Ages meant not the *congregatio fidelium*—though, of course, no one would have denied this to be the right meaning—not the whole body of baptised Christians as distinct from those who were not, but rather the active governing section of the Church—the hierarchy and, I suppose, the religious orders. The common use of any term, especially a collective name, is to be found, not by what it sometimes means nor by what it ought to mean by that for which the society stands, but by what other set of people it is used to distinguish from—and this is the case with the word Church. In the Middle Ages the Church is used to distinguish the spirituality from the laity, and in nine cases out of ten it means the ecclesiastical body; in modern times the word Church is used to distinguish Churchmen from Dissenters of one kind or another; so that, whereas in the Middle Ages 'I am a Churchman' would mean I am *not* a layman, nowadays the same phrase means I am not a Dissenter.

When we talk of the Church we commonly mean the body of Churchmen as against those who are not Churchmen. The reason is that we live in a society which is religiously heterogeneous; so that no one nowadays thinks of everybody as *ipso facto* in one Church, but as a member of this or that Christian community, all equally tolerated; or, indeed, of many other bodies semi-religious or secular, like the Theistic Church, the Positivist body, the Labour Church, the Theosophists, the Christian Scientists, and so forth.

But even here we are not consistent. In common speech men are always dropping quite unconsciously into the older habit of talk, which treats the Church as primarily the clergy. Let me give an instance common in nearly all our experience. How many a youth has been

rebuked by some stiff Churchman, probably an uncle, an archdeacon home from Barbadoes, for saying that he 'is going into the Church,' when he means taking Holy Orders? He is bidden to remember that he is in the Church as a baptised and confirmed member; that the Church does not mean the clergy; that if that is the sort of doctrine he is going to preach he had better adopt some other calling, etc., etc.

Now I cannot help feeling that the unfortunate schoolboy has a far better defence than he commonly imagines. He might reply in something of this sort: 'True, my dear uncle, I made a slip, and I regret it. It is less important than you think. For since you left England for the Barbadoes, thirty years ago, things have greatly changed. We live in days of religious chaos, when no one is likely to think Churchmanship a matter of course. But I should like to point out to you that if the phrase I have used is theologically heretical, which I do not deny, it is *historically orthodox*, and by my use of it (a pure slip, due to the uprush of the subliminal consciousness) I am witnessing to the unity of history in a way which, with all your correct Tractarianism, you fail to comprehend. In the Middle Ages, and indeed a very long time since the Middle Ages, as you may see if you will study novels, the Church did mean in ordinary speech the Church as an effectively organised body, a hierarchy (there were no Houses of Laymen in those days), and nonconformity to the established religion was either non-existent or a crime. If you and I had been living in the thirteenth, fourteenth, or even the sixteenth century, and I had ventured to say to a person of your dignity [for your dignity was as great as your chances of salvation were said to be small in those days], "I belong to the Church," meaning by it I belong to that branch of the Church established in this realm, what would have happened? You would have been surprised, nay shocked. You would have charged me with incipient heresy because to say I am a Churchman in that sense implies that I have

my choice, and that, if I chose, I might be something else. Even to contemplate such a possibility borders upon heresy. If not treason, it is very near akin to *misprision of treason* to Holy Church. And as your nephew I should have been fortunate to have escaped with a sound avuncular whipping. If, however, I had said I belong to the Church, meaning by it what you have just rebuked me for—meaning, namely, I am a clerk in Holy Orders, or in minor orders going on to greater things—then you would have quite understood me. You would have strongly approved, and you would doubtless have given me, though only sixteen and a half years old, a couple of livings and one prebend to be held in plurality, and *in commendam* with a *non-obstante* dispensation from the Holy Father permitting absence, in view of the other livings and offices which a person so important as an archdeacon's nephew would certainly have held. So I'll trouble you, after all, for that five-pound note you threatened to withdraw.'

That is the point. The word Churchman means to-day one who belongs to the Church as against others. In the Middle Ages there were no others, or, if there were, they were occupied in being burnt. A Churchman meant one who belonged to the Church in the narrower sense of its governing body—an ecclesiastic, as the word implies; just as statesman to-day means not a member but an officer, actual or potential, of the State. In medieval Europe folk would be more doubtful whether you were an Englishman or Bavarian than whether you were or were not a Churchman in our sense, but they might be greatly concerned to know whether you were clerk or layman. Churchmanship was co-extensive with citizenship, and, indeed, with more than citizenship, but the Church as a hierarchy was not; it was not the realm, but an estate of the realm.

When the Church came in conflict, as it often did, with the State, it meant the clash of the ecclesiastical with the civil hierarchy of officials. Both these bodies were

composed of Churchmen, in our sense, and both existed in the one society—the commonwealth.

All this leads to the main thesis of this paper—that in the Middle Ages Church and State in the sense of two competing societies did not exist; you have instead the two official hierarchies, the two departments if you will: the Court and the *Curia*, the kings' officials and the popes'. But in these controversies you have practically no conception of the Church, as consisting of the whole body of the baptised set over against the State, consisting of the same people, only viewed from a different standpoint and organised for a different end. It is a quarrel between two different sets of people—the lay officials and the clerical, the bishops and the justices, the pope and the kings; it is not thought of under that highly complex difficult form of a quarrel between two societies, each of which was composed of precisely the same persons, only one is called the State, for it deals with temporal ends, and the other Church, as the Christian community. Such a notion would only be possible if the sense of corporate personality in Church and State had been fully developed. This was not the case. The conception of the State was indeed very inchoate, and there was very little power of distinguishing it from its officials; and even in the Church this weakness led to the increasing power of the popes, for the Church took over its conceptions of government from the ancient world, and the Republic had latterly been entirely identified with the emperors.[1] There was no personal substratum behind of which he was the mere representative.

[1] Cf. the notion of the Church when 'von der Kirche als Rechtssubjekt die Rede sei. Dies sei die Bedeutung von Ecclesia im Sinne des lokalen Verbandes. *Einen solchen aber konnte man bei der damaligen Verfassung naturgemäss nicht in der Gemeinde, sondern lediglich in der klerikalen Genossenschaft finden.* Und so kam man zu einer Definition, wie sie Placentinus aufstellt: *ecclesia dicitur collectio vel coadunatio virorum vel mulierum in aliquo sacro loco constitutorum vel constitutarum ad serviendum Deo.* So war in der That die Kirche als Rechtssubjekt in das korporative Schema gebracht und man konnte ohne Weiteres die *Ecclesia* zu den *Universitates* und *Collegia* rechnen und den für diese geltenden Rechtssätzen unterstellen. Ja es

To make my meaning clear let me quote two passages from Maitland's 'Lectures on Constitutional History.' On pp. 101–2 we read :—

'While we are speaking of this matter of sovereignty, it will be well to remember that our modern theories run counter to the

sollte ihr, weil sie die privilegiirteste unter den Korporationen sei, kein bei irgend einer Korporation vorkommendes Recht fehlen können, weshalb sie namentlich der *respublica* und *civitas* gleichgestellt wurde.'—Gierke, iii. 195.

Again, 'Si enim aliqua universitas privilegiata est, hodie, potius privilegiata est ecclesia.' 'Ecclesia aequiparatur reipublicae.' But this is of individual churches. 'Weniger als je wurde den Gemeinden irgend ein aktives kirchliches Recht verstattet, immer entschiedener trat die Kirche, als ein fremder und äusserer Körper dem Volk gegenüber. Erschien sie dem Deutschen dieser Zeit vorzugsweise als eine grosse Innung oder Zunft, so war sie ihm doch keineswegs eine Innung aller Gläubigen, eine Gemeinschaft, die jeder Laie mit einem Teil seiner Persönlichkeit bilden half, sondern sie war ihm die Zunft des geistlichen Standes. . . . Freilich war es dem Laien unerlässlich für sein Seelenheil, an dem von der Kirche besessenen und verwalteten Heilsschatz Anteil zu erlangen; aber zu diesem Behuf verhandelte und verkehrte er mit ihr *wie mit einer dritten Person*, kaum anders wie mit der Kaufmanns- oder Gewerbezunft, wenn er ihrer Waaren bedurfte. *Die Kirche war in Allem ein geistlicher Staat für sich*, in welchem der Laie keines Bürgerrechts genoss.'— Gierke, i. 427 (cf. also 287). 'Bei dieser Auffassung der staatlichen Rechtssubjectivität konnten es die Römer zu Wort und Begriff der Staatspersönlichkeit nicht bringen. Sie blieben bei der Subjectivität des *populus*, und später des Kaisers stehen. Diese Subjectivität aber unterstellten sie, weil einzig in ihrer Art, keinem höheren Gattungsbegriff.'— Gierke, iii. 50 ('Das Deutsche Genossenschaftsrecht'). Cf. also the following passage in regard to the Church. After describing the Church as God-planted, 'Wenn einer so konstruirten Gesammtkirche Rechtspersönlichkeit beigelegt wird, so kann Quelle derselben nicht *die den Körper bildende Gesammtheit, sondern lediglich Gott und mittelbar dessen irdischer Stellvertreter sein*. In der That hat daher nach der Lehre der Kanonisten der göttliche Stifter selbst seiner Kirche zugleich mit der Heilsvollmacht die für deren Durchführung erforderliche Rechtssubjektivität verliehen. Und allein von Gott und seinem Vikar sind fort und fort alle einzelnen Privilegien und Rechte abzuleiten, welche der Gesammtkirche um ihres geistlichen Berufes willen zustehen, während auch die höchste weltliche Macht diese Rechte nicht zu mindern, sondern ur rein weltliche Privileginen hinzuzufügen vermag. Ebenso aber findet die einheitliche Kirchenpersönlichkeit ihren obersten Träger und Repraesentanten nicht in der Gesammtheit, sondern in Gott selbst und mittelbar in dessem irdischem Statthalter, so dass sogar als Subjekt der Rechte, welche für die *ecclesia universalis* in Anspruch genommen werden, Gott oder Christus selbst und vertretungsweise dann auch der Papst bezeichnet werden kann.'—G. iii. 250.

deepest convictions of the Middle Ages—to their whole manner of regarding the relation between Church and State. *Though they may consist of the same units, though every man may have his place in both organisms, these two bodies are distinct. The State has its king or emperor, its laws, its legislative assemblies, its courts, its judges; the Church has its pope, its prelates, its councils, its laws, its courts.* That the Church is in any sense below the State no one will maintain, that the State is below the Church is a more plausible doctrine; but the general conviction is that the two are independent, that neither derives its authority from the other. Obviously, when men think thus, while they more or less consistently act upon this theory, they have no sovereign in Austin's sense; before the Reformation Austin's doctrine was impossible.'

In regard to the theory of sovereignty, this statement is doubtless true of the smaller States. It is not true of the papacy; the *plenitudo potestatis* being simply sovereignty in the Austinian sense, developed by the canonists from Roman law and applied to the pope. It is not true of the more extreme Imperialist doctrine; the lawyers who told Frederic Barbarossa that the property of all his subjects was really his, and the normal civilian were, in theory at least, strong Austinians. Indeed, it is from Rome, first imperial and then papal: i.e. from civil and canon law, that the modern doctrine of sovereignty derives. In its modern form it goes through the medieval canonists to Renaissance thinkers like Bodin, thence through Hobbes and the supporters of Divine Right to Austin. Even in the fourteenth century it is applied to the minor States. Baldus, I believe, was the first to say that *rex est imperator in regno suo*, and we find one of our own kings claiming to be *entier empereur dans son royaume*, and this, the claim to sovereignty, is the true meaning of the preamble to the great statute of appeals 'this realm of England is an Empire.' Moreover, it is not quite true to assert that no one said that the Church ought to be below the State. For that is the exact argument of the twelfth-century Erastian treatise by Gerard of York, printed by Böhmer in the 'Libelli de Lite.' He declares,

indeed, not that the Church is below the State, but that, in the one commonwealth, which you can call either kingdom or church at your pleasure, the secular power is above the ecclesiastical. Still, of course, it is true that in the main Austinian doctrine is not applicable to the feudal commonwealth of the Middle Ages.

It is not of this matter that I want to speak at length, but of the sentences in italic. Later on in the book there is an even more emphatic expression of the same view :—

> The medieval theory of the relation between Church and State seems this, that they are independent organisms consisting nevertheless of the same units.—p. 506.

To that statement I say *quod non*. I make this criticism with much diffidence, for every word that Maitland wrote is worth its weight in gold. Yet we must remember that these lectures were not written to be published, and that they were delivered in 1887, before he entered upon those studies which resulted in his work on 'The Canon Law' and his translation of Gierke. To say the very least, it is not certain that he would have written thus fifteen years later. Nor, again, do I desire to assert an 'absolute not.' I do not deny that such a view of Church and State was possible to acute minds in the Middle Ages, any more than I assert that because men normally meant by the Church the hierarchy they did not quite frequently mean the *congregatio fidelium*. I think that in the later Middle Ages men were moving in that direction. Judging by his letters and manifestoes, I think it not impossible that Frederic II held this view or something like it. What I do think is that this view in no way represented the ruling thought of the Middle Ages, that it was not the necessary background of their minds, that all, or nearly all, the evidence points the other way, and that, if we accepted Maitland's view, we should be left with no intelligible explanation of certain phenomena in the sixteenth century, to say nothing of existing controversies and modes of thought.

When we do find one pope speaking of God's vicar as

master both of the terrene and the spiritual empire, he shows by his words that he cannot think them apart. The notion of a single society is so universal that, even where in words the popes admit two, it is in order to deny it in fact and to claim for themselves the lordship of both.

Moreover, when the Inquisition handed a heretic over to the secular arm, what was intended by the figure? Surely, that the two arms, the secular and spiritual powers, were arms of the same body—or else the metaphor makes nonsense. Yet the view we combat would make two different bodies.

Let me put before you the following considerations:— Is it not rather improbable that this difficult position of two corporate bodies, each of the same individual persons though totally distinct as corporate personalities, should have been thought of in a world whose ideals were symbolised in the Holy Roman Empire, whose true respublica is the *civitas Dei*? Even in our own day, when there is so much to favour it, views of this sort, at least in regard to established Churches, are not accepted readily or without argument. How would it have been in a world where the unbaptised and the excommunicate were outlaws, and citizenship and Christianity were inextricably bound up? Nobody in the Middle Ages denied that the king was God's minister, or that the bishops were great lords in the commonwealth. Pope and emperor, when they quarrelled, quarrelled like brothers, as members of the same society, the *civitas Dei*.

The fact is, *ecclesia* and *respublica* are more often than not convertible terms in medieval literature. One writer, who is well known, describes much in Maitland's way, viz. 'a system of two sets of law and courts'; but it is of two sets of people that he is thinking—the clergy and the laity, and it is within the whole—the one society, the *civitas*, which he says is the *ecclesia*—that these two bodies are to be found. I do not say but that later on, after the crystallisation of national states and the development through S. Thomas of the habit of arguing about the Church as one among a class of political societies, some such view as Maitland suggests

may not have been now and then discernible. But I think it was very rare.

And what we want to know is not how some theorist formulated the matter, but what were the 'common thoughts of our forefathers.' Supposing that I had graduated, not at Cambridge but at Bologna in the thirteenth century, that I was a *doctor in utroque jure*, a protonotary apostolic and an auditor of the rota, should I have declared the kingdom or the empire to be a society quite distinct from the Church, though containing the same units? I trow not. I am much more likely to have said that the limits of the kingly power were determined by the Church, meaning the hierarchy, and that the king must do his duty because he was the minister of God and must therefore be subject to His vicar. So far from denying the king *qua* king to be a member of the same society as my own, I should have made his membership the ground of a due reverence for *protonotaries apostolic*. Supposing again, I had been a clerk of the king's court or a royal justice or one of the barons at Merton, who were not going to have the laws of England changed to suit the bishops, should I have asserted that they were members of a different State; should I not rather have claimed that, though specially and even reprehensibly privileged, though forming a distinct order in the commonwealth, they were yet English lieges and should be made, willy-nilly, to do and forbear those things lawful to English lieges, and none others? Even if—pardon the impertinence—I had been either a pope on the one hand or an emperor on the other, should I have thought of my rival as the head of another society with which my own relations were strictly international? Hardly. I should rather have deemed him a 'dear colleague' and felt it as a God-imposed duty to prevent him injuring his character by attempting a dictation over me, which for God's cause and solely as a matter of duty, I was determined to resist. Nor was there warrant in antiquity for this notion of the two societies. The conception of a religious society as distinct from the State had not dawned upon the unified civilisation

of Greece and Rome. It was alien alike from the City-State and the Pagan Empire. When it did dawn upon some men's minds, what was the universal response? *Christiani ad leones.* Sir William Ramsay has made it clear that the persecution of the early Church was a matter of policy, and that it was directed against this very notion, the claim to be a separate society, while still remaining Roman citizens. It was the Church as upholding 'a new non-Roman unity' that men feared. That primitive Church was without question a society distinct from the Roman State.[1] As she grew to strength and threatened to absorb the whole population there was every likelihood of the view arising, outlined by Maitland.

But it did not arise. The old conception, that of Pagan and Jew, was too strong for it. After Constantine granted the peace of the Church, it was not long, at most three-quarters of a century, before the old conception ruled again of a great unity in which civil and ecclesiastical powers were merely separate departments. Had the world been ripe for toleration of rival bodies things might have been very different. But it was not ripe. The emperors, as you know, were treated almost as ecclesiastical powers; coercion was employed on both sides in the Arian controversy; finally the Catholics conquered under Theodosius

[1] 'Dagegen lag allerdings von vornherein eine gewaltige negative Umwälzung der antiken Anschauungen von Staat und Recht in *den vom Wesen des Christenthums untrennbaren Principien* welche dem staatlichen Verbande einen grossen Theil seines bisherigen Inhalts zu Gunsten der religiösen Gemeinschaft und des Individuums entzogen. Einmüthig bekannte man sich zu dem Glauben, dass das innere Leben der Einzelnen und ihrer religiös-sittlichen Verbände keiner weltlichen Macht unterworfen und über die Sphäre der staatlichen Daseinsordnung erhaben sei. *Damit entschwand die allumfassende Bedeutung des Staats.* Der Mensch gieng nicht mehr im Bürger, die Gesellschaft nicht mehr im Staat auf. Das grosse Wort, dass man Gott mehr gehorchen soll als den Menschen, begann seinen Siegeslauf. Vor ihm versank die Omnipotenz des heidnischen Staats. Die Idee der immanenten Schranken aller Staatsgewalt und aller Unterthanenpflicht leuchtete auf. Das Recht und die Pflicht des Ungehorsams gegen staatlichen Gewissenszwang wurden verkündigt und mit dem Blute der Märtyrer besiegelt.'—Gierke, op. cit. iii. 123. Cf. also the author's remarks on the effect of S. Augustine's *De Civitate Dei.* Ibid. 124–7.

the Great. Arianism was made a crime; Paganism was suppressed; and the world was ripe for that confusion of baptism and citizenship which ruled the Middle Ages. True, there were many struggles between the different authorities, and their issues varied with time and place. But neither emperors nor prelates were treated as rulers of rival societies. The code of 'Justinian' was compiled subsequently to the 'De Civitate Dei' of S. Augustine. The whole spirit of both is to identify Church and State. The Pagan State was also a Church, and the medieval Church was also a State; *the* Church and *the* State in theory. Each governs the whole of life and the problem is not whether you take power from one society and give it to the other, but where you tilt the balance of authority—on to the side of the lay officials or to that of the clerics. Shall power belong to him who wields the sword or to him who instructs the wielder? Roman law, as it entered the medieval world, is the law of a medievalised empire, and the code begins with the rubric, *De Summa Trinitate et Fide Catholica.* Much of the liberty afterwards claimed by canonists could be supported by adroit quotations from the imperial law.

All this was crystallised in the ideal of the *Holy Roman Empire,* the governing conception of a great world, Church-State, of which it is hard to say whether it is a religious or a temporal institution. Half the trouble came from the fact that popes and emperors were heads, in theory co-equal, of the same society. The argument so constantly repeated, that the unity of the society needs a single person as the centre, and that, therefore, the secular power must be subject to the spiritual, owes its force to the very fact that men were incapable of seeing two societies, and that the theory of two co-equal heads under Christ as King did not work in practice. The pope, we must remember, is the emperor's archbishop, foreign he might be to England and France as nationality crystallised, but no emperor could afford to treat him as foreign. That would have been to give up all claims to Italy.

The lesser conflicts were all conducted under the shadow

of this conception. Although in countries like England or France it may have been easier to see the distinctions of the two powers, its meaning was not grasped till later, and men did not talk of two societies separate, though composed of the same individuals.

But it will be said, what of the Canon Law? Here is a separate body of legal rules modelled in its form on the civil law and claiming sometimes to override it, possessed of a higher sanction, so that towards the close of the Middle Ages a French writer can say that *omnia jura civilia sunt canonica*.[1]

Now it is true that in so far as the Canon Law governed the laity, and existed by the side of national laws, its existence points towards a belief in two distinct social organisms; yet I do not think that this inference was drawn at the time. The passage I alluded to above treats it as mainly *law for the clergy*, and so far as that was usual, this view would tally with all I have been saying. The popes, however, doubtless thought they were legislating for all Christians, but these popes were claiming a *plenitudo potestatis* over kings and princes, which implied that all secular law was merely allowed by them. Moreover, in those days of feudal courts, men were in the habit of seeing every kind of competing jurisdiction without definitely claiming that it destroyed such unity in the State as they were accustomed to see. The very looseness of structure of the medieval State,

[1] The following passages are a fair indication of the common view: 'Si auctoritas sacra pontificum et potestas imperialis vere glutino caritatis adinvicem complerentur; nihil est enim in præsenti seculo pontifice clarius, nihil rege sublimius.' Cf. also Henry IV to Greg. VII, Jaffé Bib. Rer. Ger. ii. 46: 'Cum enim regnum et sacerdotium, ut in Christo rite administrata subsistant, vicaria sua ope semper indigeant.' From the following sentence from the Deposition of Frederic II, it can readily be seen how intimately connected are canon and civil law: 'Nonne igitur hec non levia, sed efficacia sunt argumenta de suspicione heresis contra eum, cum tamen hereticorum vocabulo *illos jus civile contineri asserat*, et latis adversus eos sententiis debere subcumbere qui vel levi argumento a judicio catholice religionis et tramite detecti fuerint deviare?' (Deposition of Frederic II. Huillard-Bréholles, *Historia Diplomatica F. II*, vi. 326.) Elsewhere he is accused of treason towards the pope. 'Non sine proditionis nota, et lese crimine majestatis.' Ibid. 322.

if we are to use the term, enabled the canonists to do their work alongside of the secular courts without drawing all the conclusions we should do. Unification was the work of the Renaissance and the Reform, and it was not till then that men would come to argue that it must either exist by the allowance, express or tacit, of the prince, or else that the prince must be in reality a subject.

Moreover, I do not think people sufficiently realise how systems, apparently competing, went on together in practice. Legal writers, like Bartolus on the one hand or Innocent IV on the other, quote the canon law and the civil law indiscriminately, and never seem conscious of them as being the laws of two separate societies. I cannot find this conception in Innocent's great commentary on the 'Decretale of Gregory IX.' Bartolus wrote a treatise on the differences between the two systems, but there is no hint that he regarded them as the laws of two different States.[1] The fact is that it was the two together, treated as an ideal rather than coercive law, which ruled men's minds; and out of this amalgam arose modern politics and international law.

Again, if you take the 'Unam Sanctam' of Boniface VIII, that does not assert the power of the Church over the State. Rather it asserts the power of the Pope over every human being.[2] In fact the personalisation of authority in popes, kings, and feudal lords and prelates was one of the causes that retarded the growth of such theory as that of the two kinds of *societas perfecta*. The conflicts between the two powers are habitually spoken of as struggles between the *sacerdotium* and the *regnum*; although the wider terms *respublica* and *ecclesia* are not unknown, it is surely reasonable to interpret them by the former. I give one or two

[1] It is not certain that this attribution is correct. But it makes no difference to this point, whether the book was by Bartolus or another lawyer.

[2] Cf. Henry of Cremona's interesting treatise on behalf of Boniface VIII, printed in Scholz, *Die Publizistik zur Zeit Philipps des Schönen*, App. 475: 'Sunt diversi ordines,' etc. Is it possible that a passage like this would have been written in a day when Church and State were conceived as two societies, each consisting of the same units?

stanzas of a doggerel poem[1] by Gualterus de Insula from the 'Libelli de Lite.' They represent the natural categories into which men's thoughts fell when they discussed the topic.

'Per Noe colliginius summum patriarcham
Totius ecclesiae caput et monarcham.

'Ergo vel ecclesiae membrum non dicatur
Caesar, vel pontifici summo supponatur.

'Major et antiquior est imperialis
Dignitas quam cleri sit vel pontificalis,
"Major" dico tempore, semper enim malis
Regibus subiacuit terra laycalis.

'Imperator Esau major quidem natu,
Papa quidem Jacob est, minor enim statu:
Ille sceptro rutilat, iste potentatu,
Ille major viribus, iste dominatu.

'Caesar habet gladium sed materialem,
Hunc eundem pontifex sed spiritualem.
Caesar ergo suscipit usum temporalem
Ab eo, qui possidet curam pastoralem.

'Igitur si vera sunt ista quae promisi
Nichil habet penitus imperator, nisi
Ab eo, qui possidet claves paradisi,
At Petri vicarius; *non est sua phisi.*'

The famous passage of Pope Gelasius about the two powers, so often quoted, is no evidence the other way; it refers to the two governing authorities of the *mundus*, which one writer declares to mean the State, not two separate societies. Its date alone is sufficient proof that it had reference to the Christianised ancient empire, when such a decision was not to be thought of.

John of Salisbury, in his 'Policraticus,' holds very high views of the function of the priest in the State, but it is a power within, not outside, the State that is to rule it, like the soul in the body.

One writer, Jordan of Osnabruck, equates the three

[1] iii. 559–60.

powers, the *sacerdotium*, the *imperium*, and the *studium*, as all equally needful for the health of the Church. The *sacerdotium* he assigns to the Romans as the senior, the *imperium* to the Germans, and the *studium* to the French as being more perspicacious. That such a view could even be thought of is evidence how far asunder were the mediæval notions on the subject from those natural to us.[1]

Wyclif, in his 'Speculum Militantis Ecclesiae,' declares that the ecclesia or commonwealth consists of three sections —lords, clergy, and commons. The argument of the book is that if the Church were disendowed the nobles would be richer and have less motive to oppress the poor. Whether that result followed the dissolution of the monasteries we need not here determine. What is certain is that it never occurred to him to conceive of Church and State as two distinct societies composed of the same units. The same is the case with Marsilius ; but his Erastianism is so marked that it may be thought that his evidence is not to the point. It is notable, however, that he states (while disapproving the fact) that in ordinary use the Church meant the clergy and not the whole Christian people, at least, he says, that is the most common usage.

Lastly, let us note the surprise of Archbishop Whitgift at the doctrine of two societies. Cartwright, the Presbyterian protagonist, was strongly imbued with the notion of two kingdoms, Whitgift seems hardly able to believe his eyes as he reads it. This comes out *passim* in Whitgift's answer to Cartwright.

I need hardly point out that this is also the view of Hooker. And that is the point ; how did that view arise ? The very general Erastianism of most of the Reformers is well known. It came from this very fact. Society being conceived as fundamentally one, and the clergy in their eyes not having done their part in removing abuses, recourse must be had to the other power in the Church, the

[1] Cf. Jordanus von Osnabruck, *Buch über das Römische Reich* (Ed. Waitz, p. 71).

secular government. When Luther appealed to the German princes to take up the work of Reform he did not mean that he was appealing from the Christian Church to a secular State, but merely from the clerical to the civil authority. Any other view is preposterous.

My point is that this distinction of the two societies is either very primitive, dating from the days of persecution, or else very modern, dating from the religious divisions of Europe. I think that it came about in some such way as this:

(1) The analysis of political forms, begun by S. Thomas on the Aristotelian basis, set on foot the habit of reasoning about political societies. The facts of the great schism and the conciliar movement drove men to discuss the character and constitution of the Church, considered as a community, and comparable to states and kingdoms.

(2) This tendency was furthered by the growth of compact national states, by the decay of feudalism, and by the practical abeyance of the Holy Roman Empire; although, even after Constance, the concordats are not between Church and State, but between pope and king, bishops and nobles, etc., of France or other countries.

(3) Then came the Reformation. So far as this was political and princely it made no difference, save that it tilted the balance of power from the clerical to the lay officials. On the other hand in the Empire, as a whole, religious unity was destroyed and after the Religious Peace of Augsburg the Church could no longer be identified with the Empire. But where either prince or people were not able to make their own religion supreme or universal within the territorial state, the conception of two distinct societies tends to grow up. It is not really in the thought of Calvin, but the organisation of the Huguenots was very important in influencing men's minds. It was so local, so compact, so distinct, that it helped to forward the idea among all persons placed as they were. I do not think that Knox, any more than the other reformers, had any real notion of this distinction. But towards the end of Elizabeth's reign it is certainly to be found in Cartwright and the whole English

Presbyterian movement. Andrew Melville developed it in Scotland; and Robert Browne, the originator of the Independents, was inspired by this notion in the pamphlet 'Reformation without tarrying for any.'

In England both the Laudian and the Puritan party were medievalist; they believed in a State which was also a Church and were essentially theocratic. What developed the contrary notion was the non-juring schism. This compelled its adherents, and many High Churchmen who were not its adherents, to think of the Church as the body of all the faithful with rights and powers inherent and unconnected with the State. Union with Scotland increased this tendency, for there was thus before men's eyes the spectacle of two different established Churches. Thus Hoadly gives no hint of any other notion than the old, and his idea of toleration was merely a comprehensive Erastianism, very similar to certain schemes we hear of now. Warburton, on the other hand, develops explicitly and in set terms, in his 'Alliance between Church and State,' the doctrine that the two are independent organisms consisting of the same individuals, but existing for different ends, each to be treated as a *corporate personality*. His theory comes at the end, not at the beginning of the development I have been describing, and I cannot help feeling it would have been incomprehensible to men such as Gerard of York or S. Thomas of Canterbury. I should also add that the Jesuits, who had to consider the question of the relations of Church and State in reference to the changed conditions of a divided Europe, were forward in developing the notion of the two societies. In Gierke's view they were the first to develop a frankly secular theory of the State. On the other hand, royalists like Barclay in France, who were yet strong Catholics, in order to combat Bellarmine's doctrine of the indirect temporal sovereignty of the Pope were driven to be equally explicit as to the State being a *societas perfecta* no less than the Church, and to claim that the two societies were in a sense distinct.

But it may be asked, What difference does all this make? Nobody denies that Henry IV went to Canossa,[1] or that Boniface VIII issued the 'Unam Sanctam,' or that Frederic Barbarossa held the papal stirrup, or that his grandson was deposed by a Church council. What difference can it possibly make whether we assert that these incidents were the result of conflicts between two separate societies, each of them a State, or between two sets of officials in one and the same society? If what has been said is well founded, we must view these conflicts as of the nature of civil war. Does that get us any 'forrarder'? If I were a scientific historian I should use great and desolate words about truth, and say that the less it mattered the better was it worth studying. However, instead of this I shall make the modest claim that such view helps us to understand better both history and ourselves.

(1) It explains the quick drop into Erastianism all over Europe in the sixteenth century. The campaign of the Reformers was just *une campagne laïque*. They were not attempting to take power out of the Christian society, but merely out of its clerical officials. All coercive power was to be rested in the prince, but in theory it was always the godly prince, 'most religious.' So long as they had him on their side, men so different as Laud and Luther felt that they were safe. The sixteenth century witnessed an undoubted victory of the secular over the ecclesiastical power; but it was not for the secular power as a society distinct from the Church, it was a victory for the temporal authority within the one society which can be called either Church or State according to the aspect prominent at the moment. Erastus himself declared that he was only discussing the case of a State which tolerated but a single religion *eamque veram*, a statement which shows how far he is removed from the modern form of the system, which derives its name from him.

(2) Many problems and controversies of modern times are rendered more intelligible to us, if we adopt the view

[1] At least I do not. I understand that doubt has been thrown even on this event.

which I suggest. Slowly, but only very slowly, has the notion of separate societies with inherent rights developed, just as it is only now that the doctrine of true corporate personality is being realised. The *Kulturkampf* was simply due to the incapacity of Bismarck to realise that there could be any corporate life with inherent powers of its own, unwilling to accept the *sic volo, sic jubeo* of the State. As we saw, the same notion was at bottom of the difficulties in the 'Free Church of Scotland Appeals.' Nor does it take much ingenuity to discover it lurking in recent judicial pronouncements about the *Deceased Wife's Sister Act*, or about the controversy between Churches and undenominationalism in regard to education.[1]

(3) The unity of history is a cant phrase and is often made to bear a burden too heavy. But it may be pointed out how strong a testimony to this doctrine is afforded by the persistent notion of the republic, one and indivisible, which has come down to the modern world by descent through the medieval papacy, the Christianised ancient empire, the pagan empire, whither it migrated from the compact all-absorbing

[1] 'Hinsichtlich der Enstehung der Korporation geht das Corpus Juris durchweg von der Auffassung aus, dass aus der natürlichen oder gewollten Vereinigung von Individuen zwar das thatsächliche Substrat, niemals jedoch die rechtliche Existenz einer Verbandseinheit hervorzugehen vermag. Vielmehr stammt zunächst die publicistische Verbandswesenheit während der Staat selbst als die mit und über den Individuen gegebene Allegemeinheit keiner Zurückführung auf einen besonderen rechtlichen Begründungsakt bedarf, auf allen übrigen Stufen vom Staat. *Staatliche Verleihung gilt als die Quelle der publicistischen Existenz auch solcher Gemeinwesen*, welche vor ihrem Eintritt in das römische *jus publicum* als selbständige Staaten bestanden haben; aus staatlicher Verleihung fliesst die Korporationsqualität auch derjenigen Verbände, deren thatsächliches Dasein freier Vereinigung verdankt wird; auf staatliche Verleihung gründet sich die publicistische Verbandseinheit auch der christlichen Kirche, welche selbst ihren Bestand aus göttlicher Stiftung herleitet. Überall aber verfährt hierbei der Staat hinsichtlich des rechtlichen Elementes der engeren Verbandswesenheiten wahrhaft constitutiv. *Alle körperschaftliche Existenz erscheint als das Werk frei schaffender Gesetzgebung*, durch welche der Staat, sei es in der Form der *lex specialis* für das einzelne Gebilde, oder sei es in der Form genereller Regeln für einen Komplex gleichartiger Verbände, seine eigne Gliederung setzt und ordnet. Darum bedarf es in keiner Weise einer Normirung bestimmter Voraussetzungen für die Errichtung einer Korporation.'—Gierke, op. cit. iii. 142-3.

city-state. Mr. Carlyle, in the first chapter of his history of political theory in the West, was able to show us how the doctrines of Rousseau anent the fundamental equality of man and modern democracy can be found implicit in the Roman jurists, in Cicero, and to witness to a change in feeling between the aristocratic doctrine of Aristotle and the universalist theories of the great republic. This view has been encountered in our own day by the revival of aristocracy proclaimed by Nietzsche, and the doctrines of the fundamental inequality of men based partly on the subjugation of the tropics, partly on Darwinian theories of natural selection and the struggle for existence. The doctrine, however, which I have been considering is even more venerable than that of human equality. For it goes back, with hardly a break, to the omni-competent and universally penetrating supervision of Sparta and Athens. It is only when we have traced it right back to its origin that we see its inapplicability to the complex life of a modern world-empire.

The theory of sovereignty, whether proclaimed by John Austin or Justinian, or shouted in conflict by Pope Innocent or Thomas Hobbes, is in reality no more than a venerable superstition. It is only true to the facts in a cosy, small and compact State, although by a certain amount of strained language and the use of the maxim, ' whatever the sovereign permits he commands,' it can be made not logically untenable for any conditions of stable civilisation. As a fact it is as a series of groups that our social life presents itself, all having some of the qualities of public law and most of them showing clear signs of a life of their own, inherent and not derived from the concession of the State.

The State may recognise and guarantee (and demand marks for so doing) the life of these societies—the family, the club, the union, the college, the Church ; but it neither creates that life any more than it creates the individual, though it orders his birth to be registered. It is the problem of the future, as Mr. A. L. Smith showed at the close of his lecture on Maitland, to secure from legal theory the adequate recognition of these facts, and in

regard to religion the problem is raised in an acute form, and it will be the service of multiplied sectarianism to a true, that is a realistic political, philosophy if it forces the recognition of the truth that smaller societies live by their own life, and exercise real authority over their members. The struggle for liberty nowadays is the struggle to secure that recognition. What I have tried to indicate is the causes of that struggle being arduous. The atmosphere in which law has lived for more than one millennium (apart from the Teutonic and feudal influences) has been all in favour of the doctrine which recognises two and only two social entities, the individual on the one hand and the State on the other. In that atmosphere law not only gets out of relation to living facts and precipitates struggles like the *Kulturkampf* and absurdities like those involved in the case of the *Free Church of Scotland*, but political philosophy, which is always largely dependent on law, oscillates between an unreal individualism and a wildly impossible socialistic ideal. The facts of life are hostile to both, but injury, both practical and theoretical, is always done by trying to ignore facts, especially facts so tremendous as the complex group-life which is to most of us more than the State. What I have tried to show is that this error is not of modern origin, that it did not come into our world at the Renaissance, though it may have been accentuated then, but that it is part of the *damnosa hereditas* from the Civil Law of the Roman Empire, of which Stubbs once said that, whenever it had been dominant, it destroyed any real idea of civil and religious freedom.[1]

[1] I do not claim to have proved the view here set forth; still less to have set out the whole evidence. I am not certain of any hard and fast categories in the topic. But I would ask the student to study the ecclesiastico-political controversies throughout this course, from the *Libelli de Lite* down to the modern newspaper and platform speaker, and to ask himself whether the view here put forward does not fit more readily into the words and modes of thought of thinkers on all sides than that which I have combated. Even if it be only a difference of emphasis, it seems to me one of those matters when the emphasis makes as much difference as the distinction between a stroke of the cat and a stroke of the cane.

THE INTRIGUE TO DEPRIVE THE EARL OF ESSEX OF THE LORD LIEUTENANCY OF IRELAND

By the Rev. CLEMENT E. PIKE, F.R.Hist.S.

Read November 17, 1910

In drawing your attention to an intrigue to deprive the Earl of Essex of the Lord Lieutenancy of Ireland it may perhaps be worth while to say a few words about the dignity and emoluments of that office. At the period of which we are treating, the Lord Lieutenancy of Ireland was regarded without question as the most exalted position which an English subject could obtain out of England. In England itself there was only one post, the Lord Treasurership, which surpassed it, and it may be questioned whether the sword of the Lord Lieutenant did not confer more power than the staff of the Lord Treasurer. The Lord Lieutenant directly represented the Crown in a land which, for centuries, no English monarch had visited. He had his Court, his guards; he was head of all the military force in the country. Lord Halifax, on one occasion, expressed disinclination for the post, because 'he did not love,' he said, 'a new scene, nor to dine with a sound of trumpet and 36 dishes of meat on his table.'

Sir William Petty, it is true, in his 'Political Anatomy,' compares the Lord Lieutenant's position with that of the Lord Chancellor of Ireland somewhat to the advantage of the latter. The Lord Lieutenant is, he says, 'for the most part a stranger to Ireland; but the Chancellor seldom such, but a person of great family and acquaintance. Moreover all the Lieutenants, Deputies, and Lords Justices that have been this 150 years, have not one with another continued

two years in the office, but the Chancellors have much more and are seldom removed but by death and general revolution.'

This is somewhat misleading, for, as Lords Justices were usually appointed to act in the temporary absence of the Lord Lieutenant, it does not convey an accurate notion of a Lord Lieutenant's average term of office to thus lump them together. Still, it must be admitted that the comparatively brief period of its term had the effect of limiting the power of the position, a limitation dictated by the prudent policy of curbing what otherwise might have proved too dangerous. 'The old rule,' as it is termed, 'of not perpetuating that Government over long in any one hand,' is the excuse the King made for recalling Essex.

The emoluments of the position varied at different periods, and according to the character of its occupants.[1] Carte insinuates that the Duke of Ormond made nothing by it, at least in his second term. Referring to the rumours of his recall in 1681, he says: 'The King thought his own interest more affected by the consequences of that report than the Duke of Ormond's, as in truth it was; for all that his Grace could suffer was a removal from a troublesome and envied station in which his expence far exceeded his appointments.' The impression that Ormond had made great profit out of his first term was very prevalent. The author of 'The Secret History of the Reign of Charles II' affirms that 'it enabled him to oblige his numerous and needy dependents, and considerably to augment his own

[1] In a letter from Essex to Harbord, February 14, 1674, Essex shows how the prohibition of the cattle trade had increased the income by the increase in wool duties. He also says that Ormond had 3000*l.* a year more than the present governor, this being deducted when Lord Robartes came.

In the *Calendar of State Papers, Ireland*, is a list of payments to be made for military affairs. The list to begin from April 1666. According to this paper the Lord Lieutenant was to receive 100*l.* per month, a retinue of 50 horse at 59*s.* 6*d.* a day, other allowances, bringing the amount up to 3860*l.* 17*s.* 6*d.*, As General of the Army he receives 4331*l.* 6*s.* 8*d.*; Captain of troop of horse, 723*l.* 18*s.* 4*d.*; as Colonel, 608*l.* 6*s.* 8*d.*; Captain of foot company, 261*l.* 11*s.* 8*d.*; for his guard of halberdiers, etc., 1848*l.* This would amount to 11,634*l.* 0*s.* 10*d.* to represent the allowance for military purposes only. (*See Calendar of State Papers, Ireland*, p. 68.)

fortune.' This view was taken by the author of a paper entitled 'Queries Relating to the Revenue of Ireland.' Carte's elaborate reply to this paper throws some interesting light on the profits of the office. Ormond's position, with his host of retainers, was very different from that of a stranger to the country. He kept up the old hospitality, then lost in England, though even that hospitality had a limit, as the following anecdote will show:

'It was a custom in Parliament for the members to go down into the Lord Lieutenant's Cellar, when each man with a glass in his hand tasted of what hogsheads they pleased. Some of them being there drinking, and dwelling longer on the wine than usual, sent up to his Grace to desire him to order them chairs. This was varying from the custom which the Lord Lieutenant was obliged to keep up; so he sent them word, it did not become the gravity of his place to encourage any gentleman's drinking longer than he could stand.'

Ormond's case was evidently exceptional. The post of the Lord Lieutenant was a troublesome and an envied one, but it would not have been so envied if its expenses usually exceeded its emoluments.[1] Arthur Capel, Earl of Essex, whose reputation is free from the slightest taint of ever having made a corrupt use of the position, did not disguise the fact that a longer term of office would have been serviceable to his fortune. Evelyn, who visited him in April 1680, says: 'My Lord was not long since come from his Lord Lieutenancy of Ireland, where he showed his abilities in administration and government, as well as prudence in considerably augmenting his estate without reproach.'

However profitable the post may have been it was both troublesome and dangerous. A Devereux and a Wentworth it had brought to the block, and it had been the

[1] 'The place of Lord Lieutenant of Ireland was popularly reported to be worth forty thousand pounds a year.' *See* Macaulay's *History*, chap. iii. p. 151.

grave of more than one promising reputation, yet, despite these dark shadows, it was envied. He who held it was soon made aware of the fact. His work was hampered, his prestige lowered by persistent rumours of his recall. However baseless some of these rumours might be, he knew that his place was eagerly coveted by some who had the King's ear and a place at Court.

The immediate predecessors of the Earl of Essex, Lord Barkley and Lord Robartes, had held office for but very brief periods. Lord Barkley was recalled after about two years, thus falsifying Peter Talbot's unkind prophecy on his arrival in Ireland that he would return in six months. Seven months was, indeed, the term of Lord Robartes, his predecessor. This nobleman's temper abbreviated his reign, and, amidst a shower of insult and ridicule, expressed in prose and verse, he sullenly retired to his estate in Cornwall.

Reigns so brief, and so easily brought to an end, made for insecurity, and Essex who determined that he would be 'no Lord Robartes,' had not been two years in office before perceiving that efforts to undermine his authority and effect his recall were proceeding. Writing to Sir Arthur Forbes, with a candour which diminished with their future relations, on July 30, 1674, he says: 'I perceive there are those in England, and such as have great influence on affairs at this present, who are not at all pleased with my being here, and though I find they cannot alter the King in relation to my removal, yet they do prevail to have many things done that may give me distaste, and this I am confident, with an intent to make me so weary of the Government as to desire a dismission; but since this is their aim, I do assure them I will be no Lord Robartes, for when I once find that things are done on purpose to make me angry I will not be provoked, if it be but to disappoint those who design my prejudice.'

In language more forcible than polite, Charles described these intrigues to ruin his Lieutenant as 'a dirty trick.'

William Harbord, who relates this expression of majestic censure, writing about a month later, assures Essex in cipher that he will be removed in the following spring. The King had indeed a real respect for Essex, but his favour was deceitful, and much depended upon the Duchess of Portsmouth.

The Duchess was inclined to be hostile, though Harbord endeavoured, and not without some success, to soften her enmity. How Essex regarded those efforts to avert such hostility, and his opinion of the source of it, is clearly expressed in a letter to Harbord of November 14, 1674.

'You tell me that by means of Duke Hamilton you have made the Duchess of Portsmouth my friend; for my own part I cannot desire the friendship of any of that sort. To keep faire with them, and all the world I shall be glad to doe, but to make any such friends so as to be usefull or a support to me will necessarilly oblige me to be assistant to them in finding out money, or other advantages . . . and if once I should begin there would be no end of it.' The main-spring of the intrigue to obtain power in Ireland is thus laid bare. Ireland was the milch-cow for the English Court, but then the Lord Lieutenant must be an amiable and complying milkman.[1]

Essex was at this time in his third year of office, and the position was the more insecure, because of a very general but unfounded notion in men's minds that the employment was limited to three years. How such a notion arose it is impossible to say, as the terms of office of former Lords Lieutenant varied from seven months to seven or eight years. But Harbord expresses the opinion that 'If Essex can but overlive his three years in his Government all pretenders will give over, and the Farme of necessity be

[1] Essex's own simile is more forcible. 'This country has been perpetually rent and torn since His Majesty's restoration. I can compare it to nothing better than the flinging the reward, upon the death of a deer, among a pack of hounds, where everyone pulls and tears what he can for himself: for it has been no other than a perpetual scramble.'—Essex to Harbord, June 12, 1675.

renewed in Essex his time, and consequently have an opportunity to make his condition easy at his return, for believe me, unlesse Essex have a good summe of money in his purse as Rents are now paid Essex his estate will not support him with any the least plenty.'

Though Essex overlived his three years term, the 'pretenders' did not 'give over,' and in the summer of 1675 he resorted to the hazardous step of obtaining leave of absence that he might discuss the affairs of Ireland with the King. When a Lord Lieutenant thus vacated his post it was usual to appoint Lords Justices for carrying on the Government in his absence. Essex therefore proposed that this should be done, and that he should nominate them. Upon this right of nomination much depended, and his enemies perceived that if they could thwart the Lord Lieutenant upon this point they might secure his removal. Rumour had been busy with the name of Lord Sunderland as his successor. Danby, on being shown a letter from Lady Essex by Conway affirming this on Harbord's authority, had denied it with passionate heat. 'When he came to that passage relating to Sunderland, he turned about to me and said: "This is as damned a lye as all the rest, and a greater piece of Roguery."'

Godolphin writing a few days later, May 29, says: 'I have credible information given me that my Lord Sunderland has made his interest so that if your Excellency bee sent for over now (which I hear no body will oppose) he will certainly succeed you in that Government, nor will it be in my Lord Treasurer's power (though it were his interest) to prevent it.' [1]

Sunderland was not the only pretender. Edward, third Viscount Conway, was very ambitious to obtain the post, and as a step to it would, on some accounts, have been willing to act as one of the Lords Justices during Essex's

[1] Writing to Harbord on April 24, Essex himself had given vent to this rumour. 'I hear that my Lord of Sunderland has a promise to succeed me and that procured by the Dutchess of Monmouth.'

visit to England, though eventually declining to do so, on the offer of nomination by Essex. The vigilant Harbord saw, with suspicion, 'Ranelagh and Conway every morning shut up hours with Treasurer, and had notice that Treasurer carried Conway yesterday [the date of his letter is June 12] to the King, and that they were shut up one hour together.' This looked ominous, and Harbord decided to speak to the King, and to impress upon him the fact that 'Unless the King allowed Essex to nominate those who would act in his absence the world would believe that he was not to return. And,' he adds, 'finding him a little better than I did use to observe him I plainly first observed to him the great services Essex had done him there . . . and after a long discourse of this kind I opened his eyes as to what designs some men might have by removing Essex from that post, who never valued what enemies he made so as he could serve King, and preserve to King his revenue, mentioning several particulars of what waste had been committed therein in the Justices' time, Ormond and Berkely, and, to be short, finding him attentive I left him in good humour.'

Alas, that good humour was a quality upon which no man could rely, and the indefatigable Harbord was soon on the move again to rally supporters, and secure their presence at the Council. The bad luck which often attends such efforts was not absent. Arlington (I think it was he, though the cipher number is a little doubtful) was so lame of the gout that he could not be there: Ormond, who might have been relied upon to oppose Conway, had gone to Putney, and Sir Henry Capell was 'hunting with the Duke.' But returning from this diversion by one o'clock, he, with Harbord, went to Danby and told him of the report that the King intended to send a Deputy[1] 'which would be altogether inconsistent with Essex's design, which was to be here presently, and not to stay above three weeks or a month.

[1] The Lord Lieutenant's Commission empowered him to appoint a Deputy, and for the King to send one, without consulting him, would have been irregular.

He asked whom the town had pitched upon for Deputy. Sir H. Capell told him roundly it was Conway. I observed him, but, in my opinion, he was in appearance very civil when Sir H. Capell desired him to be so far your friend as to persuade the King that the Justices might be left to Essex's naming.'

In the Council which followed, Secretary Coventry, by great dexterity, secured this point, and then, for fear the King might alter his mind, sent away a letter that night. The matter was, however, complicated by a date for the Assembly of the Irish Parliament, September 1, and an implication that Essex desired to come over for the sake of his own affairs. To have observed the necessary forms for proclaiming a Parliament on such short notice would have been impossible, while the implication was untrue and objectionable. Some days later an amended letter was received, and the Lord Lieutenant made immediate preparations for vacating his charge.

His absence was much longer than the three weeks or a month originally intended, and May (1676) had begun before he returned to Dublin Castle.

To relate his experiences in town would not be pertinent to the subject of this paper. It will be sufficient to observe that what seemed a hazardous experiment was crowned with success, and the result of his expedition was a sense of greater security in his difficult post. Before his return, writing to Sir John Temple, he could say: 'Notwithstanding many attempts have been several times used to displace me, yet they have proved ineffectual and I am confident will be so for a considerable time. This I speak upon good grounds.'

The connection of these efforts with his recall some eighteen months later is my excuse for having taxed your patience by giving some account of them. Sunderland, 'not being in sufficient esteem with those who could influence the affair, drops out of the running if I may so term it, and the rival whose chances of displacing Essex in the office seem most favourable is Conway.'

The third Viscount, afterwards Earl Conway, has left little but a name and title to posterity. Though he played a considerable part on the political stage he has been ignored by historians, and the Diarists have let him alone. Evelyn only once mentions his name and Pepys has nothing to say of him. The 'Dictionary of National Biography' gives some space to his eccentric wife, Ann Finch; but evidently does not regard this courtier and politician, who aspired to one of the highest offices under the Crown, and who, for a brief period, was a secretary of State, as worthy of a niche in that monumental edifice. The shifty insincerity, which the circumstances of the time and of the court made so common, was a marked feature in Conway's character. As Danby says: 'It was very difficult to steer amongst so many rocks of faction without striking upon some.' Conway's tactics do not appear to have been very scrupulous. He corresponded in cipher with the Duke of Ormond, and aided Shaftesbury in his attack on that nobleman's administration of Irish affairs. He writes in an intimate strain to Essex, relating how he had advised Danby to show to the King 'the necessity of throwing Ormond and Arlington to the Divill.' Essex corresponded with him in the same spirit. 'Yet,' writes he, 'I may many times (believing your lordship to be my intimate friend) write things to you which will not be convenient to be shown to the parties themselves'—an observation due to the fact that Essex having described Ranelagh as a man who had 'many irons in the fire,' Conway had been indiscreet enough to show him the letter. His apparent friendship with Essex did not prevent him from maintaining close relations with Essex's bitterest foe, Ranelagh, and with his more than doubtful friend, Danby.

Neither the claims of friendship nor the check he had received by his failure to secure nomination as a Deputy, during Essex's visit to England, appear to have abated his desire for obtaining the Lord Lieutenancy. He was willing to make very substantial concessions both of the dignity

and gain of the position in order to supplant his friend. At the instigation of Ranelagh, the Cabal which was supporting him had decided to bring in the Duke of Monmouth, as a kind of figure-head Lord Lieutenant, with Conway as Deputy. In a paper written by Sir Henry Capell, to which I may refer later on, we read: 'Tis thought Conway will give a great sum of money to purchase it; he offers to pay for the equipage of the New Lieutenant in setting out and to part with half of the allowance of the place, and to supply the rest out of his own estate.'

There was, however, another competitor in the field. The Duke of Ormond, involved in the fall of Clarendon, had been recalled from Ireland, under a cloud of obloquy. With a patience almost sublime he had endured slights innumerable.

'Yonder comes Ormond,' exclaimed Charles, on an April day. 'I have done all I can to disoblige that man, and to make him as discontented as others; but he will not be out of humour with me; he will be loyal in spite of my teeth; I must even take him in again, and he is the fittest person to govern Ireland.'

The coming event had been foreshadowed as early as January of the same year (1677), in a letter to Essex from Orrery. 'I know there is very much talk of the new friendship between my Lord Treasurer and the Duke of Ormond; nay, some letters tell me by messenger, they doubt not at first dash to get a supply, and the recompense is to be that Ormond should succeed your Excellency.' Orrery only relates it to express his disbelief in the rumour, and as to any real friendship between Ormond and Danby his scepticism was justified. The sequel shows that the Lord Treasurer was no supporter of Ormond in this particular, and that he was not even informed of the arrangement that was made between the King and his long slighted minister. It soon became evident that Ormond was working for his own hand. He had already vindicated his former administration against the reckless charges of Ranelagh, and doubt-

less felt that a still more complete vindication would be his re-appointment to the office he had laid down nine years before.

A letter from Sir Cyril Wyche, dated March 10, 1677, acquaints Essex with the situation of affairs, and reassures him by the fact that the forces of the rival candidates for his office were so equally poised that one could not master the other. His position was at the time like that of the globe itself, kept in its orbit by a balance of two forces. 'Here are two parties now contend to go for Ireland, each by what I find is able to obstruct the other, and by consequence neither likely to obtain. Ormond labours hard for himself, but is hindered by Ranelagh. On the other hand Ranelagh drives on a design to have the Duke of Monmouth declared Lieutenant and Conway go as Deputy. The Cabal meets often at Ranelagh's house (who of late has been pretty well, but is now fallen into a violent relapse). The Duke of Monmouth himself has been there about it, and Sir Thomas Armstrong almost daily.' Armstrong, it will be remembered, was Monmouth's confidential servant, who, a little later, was executed, without a trial, for complicity in the Rye House plot. 'But,' continues the letter, 'Ormond for one reason, and as I guess Ranelagh for another, are in all probability able to prevent it. So that I believe this equal poise, and the not finding a third person in whom the party can confide (for the Earl of Sunderland, if I am not much deceived and I think I am not, is not of sufficient esteem with them that can influence this affair) may contribute very much to your Excellencies' stay. The King being spoken about Conway answered "You know my mind well enough in that matter, it shall never be." This last passage I had from the Earl of Longford, who, tho' he would not tell me to whom it was said, gave such signs that I guessed it was to Ormond.'

The equal poise did not contribute much longer to Essex's stay. On April 14 he had private information that his removal was resolved upon, though certainty as

to his successor was not yet arrived at. Two days later the paper in cipher from his brother, Sir Henry Capell, supplied him with more information about the intrigue for his removal.

'It is the discourse that Monmouth go over Lieutenant of Ireland and Conway his Deputy. But the springs that first set this in motion, and the agent's action in effecting the same are not so public. But it is fit for you to know them. Ranelagh hath determined to have you removed. Treasurer is engaged and active in it, and Duchess of Portsmouth is wholly with both to effect it. Duke hearkens to it.' This is an amazing assertion, if Duke means the Duke of York, as I presume it must do. The paper continues 'Duke of Monmouth is blind, 'tis Conway that they would establish . . . Duke of Monmouth is tempted to it by the gain of 6000 pounds per annum, and the half of the allowance, and to remain here with the title added to his other honours. Thus far I have my intelligence from Ormond who assures me he will oppose it to his utmost, and if Conway go will never see Ireland whilst he is there . . . I have encouraged Ormond in his resolution and shall constantly call upon him to see the notions of it. Though I gave him many opportunities to let fall to me that if others were the cause of your remove it was not impossible but that King might substitute him yet I could not by any means discover any thought he hath of it.' The old Courtier was evidently not to be drawn, though, if a confidential arrangement with the King were to be depended upon, he must have been tolerably certain of the post at this date.

The matter was finally decided at Newmarket. After an adjournment of the House until May 21, the King had left for the famous heath on April 17, at four o'clock in the morning. Here Ormond got his promise, though the arrangement was probably made earlier, and such was the disposition of the King that the rival Cabal, and Essex's supporters, did not abandon hope of changing it. The endeavour was by keeping 'the King from any determinate

resolution' to allow things to rest as they were. With this idea Sir Cyril Wyche was sent to Newmarket by Sir Henry Capell.

These efforts were vain, the King could be determined sometimes even against the entreaties of the Duchess of Portsmouth, and in this matter he had the firm support of his brother, the Duke of York.

Writing in cypher on April 21, Sir H. Capell says: 'Since my last I am better able to tell you your employment is disposed of. Ormond some months since, got King to promise it to him, and thought he had Treasurer for him. Treasurer not liking him for that government, lately set up to Monmouth. Duke apprehending lest Treasurer should carry it for Duke of Monmouth assists Ormond, and this week Ormond thinks he hath the sure promise of it from the King.' From this it would seem that Danby originated the doubtful project of introducing the Duke of Monmouth into the scheme. It seems more likely that this is to be attributed to Ranelagh, though Danby appears to have supported it.

It was a very hazardous move on the political chessboard, and quite unworthy of a great statesman. A nominal Lord Lieutenant of Ireland, in England, and a deputy to do the work on the spot, had not even the merit of originality. Twice it had been proposed and abandoned in the present reign. Thus Lord Robartes was to have acted as Deputy, while Monk, Duke of Albemarle, remained Lord Lieutenant; but the arrangement fell through, as did a later one when Ormond's term of office was drawing to a close, and to allow him to retain the title in England was thought a convenient way of shelving him. His emphatic negative put a stop to that.

It may have been the intention to unfasten the Duke when Conway was once firmly in the saddle, but his nomination roused all the energy of the Duke of York against it, and to place 'Absolom' a step nearer to the throne was not very judicious. In an interview with Sir Cyril Wyche,

Danby denied that 'he had a hand in effecting Essex's recall, or had been active in a design to procure the Lieutenancy for the Duke of Monmouth. He affirmed that 'in the whole matter he had been unconcerned either way.' That the Chief Minister of the Crown in England could be so supremely indifferent on so momentous a subject as the choice of the ruler of Ireland is not credible.

There were some sore hearts in the Court on the return from Newmarket, and the Chief Minister of the day was, we may well believe, in no amiable mood. 'This I am pretty sure of,' says Capell, 'that Treasurer ill stomachs Ormond's carrying this business, and that without his privity, and is still resolved to attempt his defeat.' For some time the baffled schemers refused to acknowledge themselves beaten. On May 8, the adverse parties were, according to Sir Cyril Wyche, 'as vigorously at work as ever,' and they hoped much from a serious difference which had broken out between Danby and Ormond, a rupture of relations only made up by the active intervention of the Duke of York.

In a note dated May 8, Essex was informed that 'Lord Granard hath intimated to Sir H. Capell that if Lord Lieutenant would admit of supports from the interest of Treasurer Granard believes Lord Lieutenant may have it.'

Essex did not accept this rather vague proposal. His policy had always been to avoid entangling alliances, and though willing to remain longer in his laborious post, he was very much better pleased to resign it to Ormond than to Conway, or Monmouth, Ranelagh & Co.

The business bred great confusion in Court, and, according to one writer, 'Nobody seemed pleased.' The Lord Treasurer had received a serious check, and had weakened his influence by supporting a discredited intrigue. Ranelagh was enraged, and the Duchess of Portsmouth must have felt the vexation of a baffled schemer. Monmouth was disappointed of an honour which would have brought him nearer to the throne, and the ambition of Conway was foiled.

It would have been difficult for these people to seem pleased with the result. On the other hand, the King comes out of the transaction with credit. He is firm and determined in resisting a band of unscrupulous schemers, whose one idea was to fatten on the resources of Ireland. He again places his confidence in one who had well deserved it, and restores to favour a statesman whom years of disfavour, and a hundred slights, had failed to alienate. In an appreciative letter to Essex, Charles desires that he will choose his own time and convenience for coming away. Ormond was delayed in England, and several months elapsed before the aged statesman set foot in his beloved Ireland as her ruler once more.

Few would grudge Ormond his triumph: it was the triumph of dignified patience, and incorruptible integrity, and this narrative of political intrigue, which has its base and sordid aspect, may fitly conclude on that higher plane.

NOTES ON THE AGINCOURT ROLL

By J. HAMILTON WYLIE, M.A., D.Litt., F.R.Hist.S.

Read April 27, 1911.

If anyone were to ask where he ought to look for the Roll of Agincourt he would probably be told that he would find it in the 'History of the Battle,' published by Sir Harris Nicolas in 1827, in which there are seventy-two pages of printed matter containing 'the names of the Dukes, Earls, Barons, Knights, Esquires, Servitours and others that wer withe the Excellent Prince King Henry the Fifte at the Battell of Agincourt'; and if he wanted to know (as which of us would not?) whether one of his ancestors took part in the fight he would look through that list and if he found the name he would probably say, 'It's all right, he was there!' but if he didn't he might say, 'Rubbish! You mustn't expect me to be convinced by such a mass of confusion as that!' Such a man's difficulty is the one that I want this learned society to look into this afternoon, and in venturing to set before you the dry bones of the skeleton of what is really a very complicated question I need not say that I am here to-day with the very greatest diffidence, for I expect that there are many experts present who will say of the contents of my paper that 'that which is true is not new and—' you know the other half of the epigram. I speak, therefore, under a natural feeling of stage fright such as seized upon Henry Buckle when he first faced a Royal Institution audience and felt inclined at the beginning to run away there and then, though I cannot venture to hope for the success he achieved before he sat down at the end. At the risk, however, of

wandering among platitudes, I will, if you please, assume conventionally that some at least in this audience may be as ignorant of the main features of my problem as I was myself when I attempted to look into it several years ago. I was then seeking for such first-hand evidence as might still exist for the details of the campaign that ended with the great battle of St. Crispin's Day and whether there was any hope of getting on to firm ground in dealing with the conflicting statements as to the numbers and composition of the force with which Henry V set sail from Southampton in August 1415 and ten weeks later fought the wonderful fight that had such far-reaching effects on the course of the history, not only of our own country and of France, but on that of the whole of Western Europe.

Now in regard to the composition of the force it is necessary to point out that we have reached a time at which the old feudal tie of military service between lord and vassal had completely broken down, at least as regards expeditions over sea. For such campaigns the limit of forty days of obligatory service between the sowing and the mowing had proved an altogether impossible condition and had been replaced by what is known as the system of indentures under which each captain entered into a voluntary contract with the king to bring into the field a certain number of men of his own choosing and keep them efficiently provided with arms, horses and food, the king on his side undertaking to find shipping for them across and back and pay their wages quarterly according to a recognised scale varying with the rank and status of each of the fighting units whether as men-of-arms or archers. On an appointed day the captain presented himself with his retinue at the port of departure, bringing with him a list recording each man's individual name. Here he was met by an official from the Exchequer who verified the names and numbers of the men, and their wages began from the day on which this *monstratio* or muster had been satisfactorily passed.

Here, then, we have our first step in documentary evidence,

viz. the *Indenture of Service* specifying the total number of men of each arm the captain undertook to provide—which I shall henceforward call his *indenture*, and the list of the men's names—hereafter to be called his *muster*. These documents, with others, were retained and filed in the Exchequer at Westminster, and it may be taken as a certainty that duplicates were kept by the captain to be checked and corrected up to date at the end of each quarter, when fresh wages were claimable.

What then, we may ask, has become of all these numerous documents? The indentures, loaded with their legal verbiage, being on parchment had the better chance of surviving, while the musters, which contained by far the greater amount of human interest, varying in contents from three or four names up to something near 1000, were often written on frail slips of paper which would be far more perishable and far less fitted to face the struggle for existence. Of the copies retained in private hands I have not seen a single one, but it is possible that some may still survive. If so, this afternoon will have been well spent if such publicity as our discussion may attract should result in the unearthing of any that may still be lurking unsuspected in private collections. One such indenture, viz., that of James Harington, is said to be still in the possession of Lord Lilford, but, beyond a reference to it by a Lancashire antiquary[1] in 1878, I have not come upon any further notice of it. Neither have I yet looked through the volumes published by the Historical MSS. Commission, where some references might be discovered to reward the search. But those documents that were kept in the Exchequer have had a far better chance, and may now claim our attention. In the Exchequer each man's indenture together with any other documents relating to his case appears to have been kept in a separate pouch or bag, endorsed on the outside with his

[1] Beamont, *Warrington Church Notes*, i. 232, where Harington's name is written over an erasure.

name, but although 632 of these pouches were purchased in 1416 only 18 of them appear to be now remaining. They are supposed to have been hung round the walls for ready reference, but this method is certainly not an ideal one; for when the documents have been taken out it is often difficult to cram them in again owing to the awkwardness of the pouches' necks.

Large numbers of these indentures were signed on April 29, 1415, and may still be seen in the Public Record Office, where they are catalogued as 'Exchequer Accounts' under the subheading 'Army.' When I went through them years ago the catalogue was in MS., but I take this opportunity of expressing my delight at hearing that it is soon to appear in printed form and its contents will consequently be much more widely known. A few of these documents (i.e. indentures only) appear in full in the ninth volume of Rymer's 'Fœdera,' where there is no clue to their habitat save a side note that they are *penes cler. Pell.*, but to be vaguely told that certain documents are in the possession of the clerk of the Pells is not much of a guide to the researcher. But Rymer examined a far larger number of these indentures than he actually printed and the evidence of this will be found in one of the volumes containing his transcripts, the publication of which was sanctioned by the House of Commons in 1800, but remains alas! unaccomplished to the present day. In these unpublished extracts he gave up his first ponderous plan of transcribing the whole indenture *in extenso*, but commissioned someone to pick out the name of each captain with the number of his retinue. His next step was to have these names tabulated in alphabetical order with the numbers in separate columns, and there they are, written in a neat professional hand very different from his own ragged scrawl, the whole being described as 'The Retinue of Henry V on his first voyage, 3 H. V.' In this form they were printed *verbatim* by Nicolas in 1827, who does not seem to have taken any special pains to verify them by reference to the originals or to

make the necessary correction of such errors[1] as are here and there to be found in the transcripts. Rymer, indeed, had given no indication as to the sources of his information except that he had taken them *ex bundellis diversorum temporum*, but in Nicolas' day these 'bundles' of indentures appear to have quite gone under and it was not till 1850 that they were again systematically examined by a record expert, Rev. Joseph Hunter, the historian of Hallamshire, who found them 'deeply buried in the unknown masses of the national records' and as he says 'lately brought by me to light.'[2] They are still officially catalogued as 'bundles,' though I am glad to say they are now no longer bundled in reality.

The volume that contains this 'Retinue of Henry V,' as Rymer called it, is still among the Additional Manuscripts in the British Museum where it is catalogued as 'Sloane MS.' 4600, but by a strange perversity it has frequently been referred to as 'MS. Donat.' which is a pitfall for the researcher who at the first approach might think, as I did, that it had something to do with Donatus, the Grammarian, until he discovers that this title only stands for *manuscriptum donativum*, indicating that it is one of those MSS. that were *given* to (not bought by) the Trustees of the British Museum.

But a further fatality seems to have clung to this particular 'donative,' for though it is numbered 4600, Nicolas, who took his list from it, unluckily transposed the first two figures and quoted it not as 4600 but 6400, though in one place he gives the proper figure in a footnote—and though he published a second edition of his book in 1832 he did not correct his first mistake, with the result that this unhappy '6400' still keeps turning up, not only in French

[1] E.g. Robert Umfraville (20 + 40) though the original indenture is dated Nov. 17, 1413, and does not therefore refer to this campaign; John Norreys, captain of Conway (not Cournay), which refers to Sept. 24, 1413, and Gilbert Umfraville (*20* + 90) should be *30* + 90.

[2] Hunter, p. 2.

writers,[1] who confessedly reproduce Nicolas but in English treatises, published within much nearer hail of the donative itself. Having found the volume, we shall see that Rymer not only tabulated the numbers, but took the trouble to have them cast up, showing a total of 10,533 men, of whom 2536 were men of arms (or lances), 7899 archers (both mounted and a-foot) and 98 arblasters (or cross-bowmen). Where he got this last item from I do not know, and I plead guilty to not having verified his addition sum, but I have compared the printed results in Nicolas (pp. 373–389) with a roll of 11 membranes now in the Public Record Office ('Exch. Accts.' 45/5) which was compiled by John Burgh, Clerk to Roger Leche the Treasurer of England, and was presented by him in the Exchequer on November 24, 1416, *pro execucione inde ad opus regis faciendâ*, doubtless in connection with claims for wages for the second quarter. This roll contains extracts from the Issue Roll of payments from the Exchequer, entered on Thursday, June 6, 1415, to each commander in accordance with his indentures. I have also compared the figures with 'Exch. Accts.' 45/20, 21, 22, which contain over 100 indentures of jewels drawn up in June or July 1415, on which the number of each man's retinue is again given, and as a result of these comparisons I find that Rymer's figures in 'Sloane MS.' 4600 are on the whole entirely confirmed though there are some discrepancies here and there both in the numbers of the retinues and the spelling of the captains' names (e.g. Alderwych[2] *v.* Alderworth, Peryan *v.* Peryent, Muntenay[3] *v.* Mountenay). Moreover the roll (45/5) contains a few names as signing indentures, which are not found in 'Sloane MS.' 4600, e.g. Roger Assent, Thomas Ernesby, Roger Martyn, John Base, John Compton, William Clark, and William Starkey, all with small retinues. William Lee,

[1] E.g. Belleval, 354–365, including Nicolas' mistakes.

[2] Also in *Exch. Accts.* 44/30 (4).

[3] With 5 archers though only 3 in 45/24, 46/18, 19 where their names are given.

King's sergeant-at-arms (2 archers), John Merbury (20 + 500 Welshmen) appears in 'Exch. Accts.' 46/20, Thomas Flaundres and John Sagere (each with 3 archers) in 45/18, and John Prentys, Thomas Walbere and William Bonetemps (1 archer each) in 46/22. Also in 45/5 individual archers, e.g. Richard Shore (m. 3), or groups of archers and varlets ranging from 4 up to 12 (mm. 5, 6, 7 and *passim*) enter into indentures with the Treasurer on their own account; one of these groups of 12 including William Shorne (cf. Rymer, iv. 240).

Nicholas Stoanchard with 11 (? 34) valett' is on the list of the sick in 'Exch. Accts.' 45/1; Nicholas Longford, knight, brings 50 archers in 46/35 and is on Brook's list as with 3 lances, though he himself is dead.

Also in the list of 22 knights left at Harfleur in garrison ('Exch. Accts.' 47/39, Hunter, p. 55) there are 9 whose names do not appear in Rymer's list ('Sloane MS.' 4600), viz. Thomas Elkesdale, Robert Harlyng, John Knevet, Baldwin Frevill, Andrew Acton, William Isondeyn, John Cristley, William Graunson[1] and Henry John, though these may, of course, have crossed any time before December 31, 1415, the date on which the list was drawn up. The remaining 13 knights, as well as 4 barons in the garrison, are found amongst the list of indentures in 'Sloane MS.' 4600. The list of the garrison contains also the names of 273 esquires, but I have not tested for new names among these. There were also 5 knights and 8 squires, mustered at Dover, but not in Rymer's list. See Gesta, 9; fr. 'Priv. Seal Writs 3 H. V.'

Now if you say why not accept Rymer's figures and be done with it, the answer is that they do not pretend to represent the strength of the army that fought at Agincourt, but only the number that

[1] For retinue of Wm. Grantson, Grunston, Grauntson, or Granson, kt. (2 + 6) see *Exch. Accts.* 44/30, 45/5 (6), 47/18. *L. T. R. Misc. Enrolled Accts.* 6/8, where his claim is included in that of Robert Lovell, Esq.

sailed from Southampton and that large deductions must certainly be made from them, for many of these men died at the siege of Harfleur, many were invalided home and 300+900 remained[1] to garrison the place after it fell into English hands. Moreover the list is found to include some retinues that do not belong to this year at all; in one or two instances the figures have been incorrectly copied from the originals; there are cases in which the same retinue has been included twice over or retinues are omitted that should certainly be there; Sir John Devereux,[2] a knight of very secondary importance, is credited with the impossible retinue of 250 lances and 250 archers, and Sir John Tiptoft is supposed to bring 30 + 90 to Harfleur, though we know that at the time he was on his way with 80 + 400, not to Normandy but to Bordeaux. In Rymer's figures, therefore, it is clear that we can find no safety and we are as far as ever from the Agincourt Roll—but in taking leave of him I should like to register a mental vote of gratitude both to him for having done so much in tabulating the results of his research, and to Nicolas for having printed them for us to worry over at our leisure, and in this I feel that all here will heartily concur.

And so we pass to the next step in our investigation. Among the retinues contained in Rymer's list is that of a Yorkshireman, Robert Babthorpe, whose name will hold a prominent place throughout the remainder of this paper. He was at the time an esquire though subsequently knighted. His account now in the Public Record Office connects him distinctly with Yorkshire[3] though he certainly settled in

[1] For their names see *Exch. Accts.* 47/39. The names include 4 barons (Dominus de Hastings, Grey de Wilton—called John Gray in Hardyng, 390, Bourchier and Clynton), 22 knights (including Carroe, i.e. Thomas Carew, Richard Arundel, J. Blount, J. Greindour, J. Skidmore, J. Fastolf and J. Baskerville) + 273 squires and 900 archers, though at the foot they seem to be summarised as 798 only. See Hunter, p. 55. The list would be worth printing as a study in proper names.

[2] Or Deverose (*d.* 1419). For his possessions in Gloucestershire and Dorset see *Inq. p.Mort.*, iv. 42.

[3] He owned land at Brackenholme near Howden in the E. Riding, *Cal. Pat. Hy. VI*, i. 465.

the Midlands, having married Margaret Pilkington, the widow of a knight named John Arderne of Elford,[1] near Lichfield, and through her he became possessed of property in Cheshire.[2] During the panic that followed Oldcastle's rising, he was appointed a commissioner for the trial of Lollards in Leicestershire and Warwickshire ;[3] and in the following year (1415) he was Controller of the Royal Household.[4] He sailed from Southampton with his retinue consisting of 5 + 15 and was present at the battle of Agincourt where one of his archers named William Callowe helped to capture a French lord named Le Seigneur de Corps, together with two other Frenchmen whose names were never known. Two years later Babthorpe embarked again with the King on his second expedition to France in Aug. 1417, and in the following winter he distinguished himself before Rouen where he engineered the great trench with which Henry and his besieging army hemmed in the city. He received many grants in Normandy, including houses in Caen, Rouen and Harfleur, and when the King made his second will in 1421 he appointed Babthorpe as one of his executors.[5] After the return from Agincourt he was employed in his capacity of Controller in checking the numbers of the troops for whom wages were claimed during that portion of the second quarter of their service which began on October 6, 1415, the day on which the fighting force started from Harfleur on their march to Calais, down to November 24, on which day all claims for wages were to cease, and on November 19 of the following year (1416) he presented in the Exchequer a complete list of the names of all of those on whose behalf wages were claimed. Four years after Henry V's death a determined effort was made, by the Treasury, to pay off all these outstanding claims and in

[1] For his monument and that of his wife, Mathilda, at Elford, see Clinch, *Costume*, 58, 60, showing an orle on the basnet.

[2] *Cal. Pat. Hy. IV*, iv. 35, 182, 475.

[3] *Cal. Pat. Hy. V*, i. 178.

[4] *Cal. Pat. Hy. VI*, ii. 254.

[5] *Cal. Pat. Hy. VI*, i. 64, 136, 176, 181, 188, 313, 370 ; ii. 205.

presenting their accounts the captains constantly refer for corroboration of the details to the following documents, to which I ask your special attention: (1) a book of particulars kept by Roger Leche, who was keeper of the Wardrobe in the Royal Household;[1] (2) an account entitled 'Robert Babthorpe's account' or 'Rotulus Compotorum de hujus viagio;' (3) Babthorpe's 'Rotulus demonstrationum' or 'Roll of Musters,' and it becomes necessary to see what can be now made out as to the fate of each of these important documents.

(1) Roger Leche's book is stated to have contained particulars extending from October 1, 1414, to December 31, 1415, of which the items connected with the expedition did not extend beyond November 16, the day on which the King returned to England. Of this book it is distinctly said, in the following reign, that it 'remains in the Exchequer in the keeping of the King's Remembrancer,' but there is no mention of it in the Catalogue of the Wardrobe and Household Accounts, in the P.R.O., and it is probably now for ever lost. At any rate I have so far failed to find it though there may still be hope for others. We still possess, however, Roger Leche's inventory of the ewers, chargers and other silver vessels that he handed over to his successor in the Wardrobe on December 31, 1415, and if the missing book should ever be recovered it will probably be found to contain particulars of the vessels and other articles pledged with the captains as security for the payment of the wages due to them.

(2) 'The Roll of Accounts' with the title of Robert Babthorpe is, I believe, the very important Roll still existing in the P.R.O., where it is catalogued as 'Miscellaneous Enrolled Accounts, No. 6,' the contents of which deserve special examination. It has been recently officially described as containing 'the expenses of the Agincourt expedition,'[2] but more correctly in Mr. Scargill-Bird's 'Guide,' p. 98, as 'the accounts of a great number of the

[1] For his indenture of service (20 + 60) see Hunter, 49.
[2] *Foreign Accts.*, P.R.O., Preface, p. iii.

commanders in this expedition.' It consists of 11 sheets, each containing 2 or 3 membranes written on both sides in a bold hand with an index of contents on the back of each sheet, exactly after the manner of the 'Foreign Accounts.' On the covering membrane is the endorsement: '*Rotulus compotorum de quodum viagio versus partes Francie anno tertio regis Henrici,*' and the question at once arises 'Is this really the Agincourt Roll?' It certainly was called so by Mr. W. D. Cooper in a paper on the 'Sussex men at Agincourt' that he wrote in 1863,[1] and the words 'Agincourt Roll' are still pencilled on the back of it, possibly in his handwriting. Looking into it we find that it contains the accounts (i.e. claims for payment) made early in the reign of Henry VI by 81 persons, the first name among them being Robt. Babthorpe, which probably was the reason why the roll was known as '*cum titulo Roberti Babthorpe,*' for in other respects he does not appear to have had anything more to do with it. Now of the 81 claimants two must at once be deducted as having nothing to do with the case. These are Sir Ralph Rocheford who claims for his expenses on an embassy to France in 1416 and Peter Cawode (m. 9) for his expenses in connection with certain hostages for the King of Scots in 1427–28. After deducting these two there remain 79 claims all of them made by captains who crossed with Henry V in 1415, but if we are to call this a Roll of Agincourt we must make a further deduction of 13 captains whose troops never got beyond Harfleur. Thus there remain the accounts of 66 commanders who were really present in the battle, but this Roll of Accounts only tells us the numbers with which they indentured to serve, the numbers with which they reshipped for Dover after the battle was fought and minute particulars as to the different jewels and other valuables which they held in pledge till their claims should be satisfied in cash—in other words it is a repetition of the information contained in our old

[1] *Sussex Archæological Collections*, xv. 126, who calls it a Pipe Roll.

friends, the 'bundles' that Rymer had examined, and beyond a few stray accidental hints this Roll of Accounts tells us nothing of the names of those who fought in the battle that we did not know before.

(3) Far different must have been the case with the third source of information known as Babthorpe's 'Roll of Musters.' No recent investigator that I know of claims to have seen it and I have so far failed to find it, but we know at least its title of which the following is a translation, the original being in Latin. It was frequently officially appealed to as 'The Roll of the Musters of divers dukes, earls, barons, knights, squires and other men with the names of their retinues which were with our lord the King at the battle of Agencourt on Friday the 25th day of October in the year 1415 and the 3rd year of the reign of the King aforesaid, delivered at the Exchequer of our lord the King in England in presence of the Treasurer and Barons on the 19th day of November in the 4th year of the King aforesaid (i.e. 1416) by the hands of Robert Babthorpe in which the names of each of the dukes, earls, barons, knights, squires and other men are noted one by one (*singillatim*),'[1] or as if to leave no doubt as to the completeness of its contents, this latter clause sometimes appears as 'in which the names of every man of arms and every archer are noted one by one,' and the title goes on 'which (roll) remains in the custody of the King's Remembrancer to be kept in the same place' (*ibidem*), i.e. in the Exchequer,[2] and nothing could possibly be more explicit.

[1] The Latin title is: Rotulus demonstrationum diversorum ducum, comitum, baronum, militum, scutiferorum et aliorum hominum cum nominibus retinentiarum suarum que fuerunt cum domino rege apud bellum de Agencourt die veneris 25 die Octob. anno 1415 et regni regis predicti tertio ad scaccarium domini Regis in Anglia coram Thesaurario et Baronibus nono decimo die Novembris anno quarto regis predicti per manus Roberti Babthorp liberat' ubi singulorum ducum, comitum, baronum militum scutiferorum et aliorum hominum singillatim adnotantur.'

[2] 'Ubi singulorum hominum ad arma et sagittariorum nomina cum nominibus retinentiarum suarum singillatim annotantur qui remanent in custodia rememoratoris regis ibidem custodiendum.' For a slightly different version see Hunter, p. 11.

Here then we have the veritable Roll of Agincourt and it is obvious that if only this, i.e. Babthorpe's 'Roll of Musters,' could now be found we should be in possession of a piece of statistical information of quite unique interest and value. What then are the chances of ever finding it? Before Nicolas wrote his book in 1827 a big muster roll,[1] that seemed exactly to correspond with it, had been discovered by John Caley, the hero of many a Record struggle, in the Chapter House at Westminster.[2] It contained thousands of names, not only those of the leaders (i.e. Dukes and others) in one of Henry V's expeditions to France, but it gave the names of every man of arms and every archer in their retinues, and although it was only a partial record it seemed at first to be the very Roll of Agincourt that was wanted. But on further examination the names turned out to be those of the men who sailed on the second expedition to Normandy in 1417 and so it had to be given up.[3] Nevertheless, several later writers continued to believe in it as the veritable Agincourt Roll and when I first examined it at the P.R.O. it was so described in the official catalogue and wrongly entered under the year 1415. This mistake, however, has now been corrected and in the coming printed catalogue it will appear among the 'Exchequer Accounts' of 1417—its proper year. Any one who will examine it will get a perfect idea of what Babthorpe's Roll of Musters must have been like, though he is not alas! in presence of Babthorpe's roll itself. Nicolas, however, did not give up the hope that the real roll would some day be found when 'the Records in the Treasury of Accounts of the Receipt of the Exchequer' came to be more carefully examined. This

[1] *Exch. Accts.* 51/2, called 'one of the most interesting records of military history now extant,' *Norman Rolls*, p. ix; Tyler, ii. 212.

[2] Nicolas, cccxcix.

[3] For a transcript of it by F. Devon see *Add. MS.* 24704, who endorsed it as a 'Copy of Muster Roll called the Agincourt Roll.' I am informed that another transcript is now in the possession of Mr. W. F. Irvine, of Birkenhead, who purchased it at the sale of Mr. Joseph Foster's collection,

was done in 1850 by Joseph Hunter.[1] With every facility for leisurely examination Hunter came at length reluctantly to the conclusion that Babthorpe's roll 'has never been found and it is to be feared that all hope of ever recovering it must now be abandoned.'[2] If this should prove to be so it is not really to be wondered at when we remember the desperate struggle that our national records have had for mere existence in the past. The story has often been told, and no one knows it better than our honoured Director, Mr. Hubert Hall, who, thank God, will be able to give a very different account of them to the Royal Commission that is enquiring into their custody to-day. When Prynne had charge of such as were in the Chapel of the Tower at the Restoration, he reported them to be 'buried under corroding, putrefying cobwebs, dust and filth, a dung heap of cankerous dust and evil scent.'[3] In the following century Anstis described them as 'buried in dust to that Degree that till the same shall be removed by Porters, that private gentleman will deserve the character of the strongest Bias to Antiquities that will adventure the Hazard of his Health in a pursuit so dirty and fatiguing,' and when Nicolas wrote his pungent 'Remarks' in 1830 he laid about him on the 'tanks and stables,' the 'low-roofed cock-lofts' and the 'pestilential vermin-haunted dens,' where these documents were spending their neglected lives. After being thus subjected for centuries to 'all kinds of destructive

[1] His tract, which he entitled *Agincourt—A Contribution towards an Authentic List of the Commanders of the English Host*, so far as I can discover has received but scant attention, though it is really of the very first importance. My only quarrel with him is his tantalising habit of not giving a single definite reference to enable the reader to verify the documents from one end of his treatise to the other. This was doubtless due to the fact that he perused them just as he discovered them before the days of catalogues and calendars. I think, however, that I have been able to identify every document that he used. They will all be found in the *Exchequer Accounts* under the sub-heading *Army* in the catalogue of the Public Record Office.

[2] Hunter, 11.

[3] *Quarterly Review*, xxxix. 65.]

processes' in 'humid cellars,' these Exchequer documents were removed from Westminster to the King's Mews in 1822, and it is believed that during the removal large quantities of them were purloined and sold to make glue. This may have been the fate of Babthorpe's 'Roll of Musters,' for no living person has ever seen it yet.

And now I enter on my last lap, and at this point it may again be asked 'Why not regard the question as settled? Hunter looked for the Agincourt Roll and gave it up as irrecoverably lost, why not admit that the case is closed and waste no further time about it?' Well, it is to be remembered that Hunter confined his attention to the first-hand evidence supplied by original documents only, and as he peremptorily says 'having done that I stop,' and he seems to pride himself that he had not gone to all accessible sources, saying: 'as to lists in MS. at the Museum, or the Heralds' College, I take the liberty to pass them over as being evidence of a class inferior to that on which I proceed,'[1] and if we are prepared to do the same the matter may well be regarded as at an end. But if not, we may perhaps spend a few minutes longer in looking at this second-hand evidence which Hunter so contemptuously cast aside. Let it be granted for the moment that Babthorpe's Muster-Roll is dead and gone—yet there are three troublesome claimants still existing whose title to genuineness must be tested by their internal evidence alone. All of them date from the 'spacious days'; they were all examined by Nicolas, and there can be no doubt that in regard to their contents they are all essentially the same.

The oldest of them apparently is the one now in the Ashmolean collection in the Bodleian Library at Oxford, and when I looked at it some years ago I was assured by the Librarian that it was certainly in the handwriting of Robert Glover, who was all his life employed in the College of Arms and was Somerset Herald from 1571 till his death in 1588. He gives a list of the captains with the names of the lances

[1] Hunter, p. 4.

only, omitting the names of the archers. The text of his document is in old French but he gives a general description of the contents in Latin of his own as *Nomina eorum qui fuerunt cum rege Henrico quinto ad Bellum Agincourt anno regni sui tertio*,[1] adding also in Latin[2] 'that it is to be noted that in this book the names of the lances are here placed one by one in the order in which they were placed in the original, and although the names of the archers are omitted yet their actual number is also entered here,' and the interest centres in his statement that in his book the names of the lances are placed *eo ordine quo in originali ponebantur*. Is he copying from Babthorpe's Roll? If he was, that Roll must have been strangely tampered with, but it is to be noted that he says that his names are placed in the order in which they *were* placed (not *are* placed) in the original, showing perhaps that he had before him not the original itself but some paraphrase of it that was circulating in his time.

The second copy is in the Heralds' College here in the City of London. It is bound up in a volume labelled 'M.I. Collect. Miscell.,' and was collated by Nicolas[3] who believed that it 'bears undoubted proof of having been transcribed from the original' though it does not say so at all. But a novelty peculiar to it is that it gives (in Latin) a total of the lances (viz. 812) and of the archers (viz. 3073) though Nicolas calculated that the names and numbers entered in the text do not amount to one-half or one-third of these alleged totals respectively. I was allowed to see it a few days ago. It is written like Glover's in old French and, with a few discrepancies, the text appears to be identical with his.

[1] *Add. MS.* 30323, ff. 15, 16, which is an extract from the *Ashmolean MS.* made by Wm. Mytton, a Shropshire antiquary in the eighteenth century.

[2] Notandum quod in hoc libro lanceorum nomina singulatim eo ordine quo *in originali* ponebantur, hic quoque ponuntur—cum tamen sagittariorum nomina omittuntur at verus eorum numerus hic quoque scribitur.

[3] Nicolas, pp. 102–104.

The writing is very neat throughout, but I was assured that nothing is known as to its origin nor has the handwriting been identified (though it looks very like Ralph Brook's). Some of the contents of the volume with which it is bound up seem to present points of similarity with those in the Harleian volume with which I shall deal next, but the conditions prevailing at present at the Heralds' College can hardly be regarded as encouraging for the researcher, even after he has passed the preliminary rites of initiation.

Thirdly and lastly comes the list printed by Nicolas, to which reference was made in the opening sentence of this paper. It is contained in a volume ('Harl. MS.' 782) now in the Harleian collection at the British Museum, which can be certainly identified as being a common-place book once belonging to Ralph Brook, who was York Herald from 1593 and died in 1625. In this book he entered up lists of English nobles which he culled from charters and various other sources, since the days of the Conquest, and on the front page is his signature, 'Rafe Brooke, Yorke Herald, 1604.' The next owner of the book, whose name appears on the same front page as 'Thomas Cole,' with the date 1630, appears to have tried to trace the authorities from whom Brook derived his information and he not only corrected some very obvious blunders in various parts of the volume but entered here and there such notes as 'from Thomas Walsingham' (p. 14); or 'all this out of Math. Paris' (pp. 21, 27); or 'These note (sic) I think are taken out of Hoveden, Mr. Savell's booke,' f. 323 (p. 26), but unfortunately he has left no such note in regard to the Agincourt list, which occupies ff. 72–86. Brook's list is in English and he is quite obviously translating from the French of one or other of his two predecessors, though not always improving upon them in the process, for whereas, for instance, in one place they give 209 archers *del counte de Lancaster* and 180 more *del counte de Chester*, meaning, of course, from the counties of Lancashire and Cheshire, Brook calls them

'Archers of the Erle of Lancaster,' and 'therle Chester' respectively. As to the contents of Brook's list, Nicolas, while admitting that it is 'manifestly incomplete' thought that 'as far as it extends its accuracy may be fully relied upon.'[1] But with this evidently hap-hazard remark no later writer appears to agree. The most obvious item that has struck them is the presence of the Earl of Cambridge and Lord Scrope in the list,[2] though they were both beheaded before the army sailed from Southampton, and a further search reveals that many who were certainly present in the battle with the very largest retinues are not in the list at all; such are the Dukes of York and Clarence, Lord Clifford, Robert Lord Willoughby of Eresby and Edward Courtenay, eldest son of the Earl of Devonshire. From the 'Roll of Accounts' ('L. T. R. Misc. Enrolled Accts.' 6) we know that the Earl of Arundel sailed with 100 + 300, that he, with 5 of his lances, was invalided home, where he soon afterwards died, but that the rest of his retinue amounting to 94 + 300 went on from Harfleur and were present in the battle. Yet these three 16th century lists ignore them altogether. Again, by the aid of the 'Roll of Accounts' we know of large numbers of knights and squires who were in the battle, with their retinues of varying size, but who find no place in these lists, or, as in the case of William Porter, appear as one name only, though we know that he brought a retinue of 8 + 24. In some cases a retinue is entered in them twice over, sometimes archers are entered as lances or lances as archers, or lances are given without any archers or archers without any lances. Sir William Harrington is entered with 13 + 28, though he had already been included in the retinue of the Duke of Gloucester. Hertonk van Clux, who really brought a modest retinue of 3 + 9, is credited with 100 lances, the number of his archers being left untold, while an underclerk of the kitchen seems

[1] Nicolas, cccxcviii.

[2] Ramsay, i. 200, who notes that the lists 'abound in errors and double entries.'

to bring 8 lances—but they are all squires who bring retinues of their own,[1] and when we come to the tail end of the list we find it completely telescoped as if the writer had got tired of his task and pitchforked in his results in inextricable confusion, into which it would be death to follow him.

By this time probably your minds are reduced to the condition of jesting Pilate's, but fortunately there is a way of testing the accuracy or falsehood of these lists by comparing them with such genuine musters as have been preserved, and this I attempted to do when working over the ground some years ago, with the result that in several cases the names entered in the lists are found to a large extent to be quite correct, thus proving that these lists can by no means be dismissed as altogether valueless. But I fear that my paper has already extended beyond the normal limit and that it would be tedious and out of place to give the evidence of these corroborations as well as discrepancies here. Moreover such statistics are more suited to the study than to a public lecture. But if the Council should think that such details would be of sufficient interest to warrant their publication in the Transactions of this Society, I shall be happy to place the evidence at their disposal as a *pièce justificative* or supplement to this scrappy and, I fear, inconclusive paper. Ralph Brook, it is true, was convicted in his day of 'ignorance and insufficiency' as a man who 'gathered honey out of other men's hives,' quoting no record and no proof, and putting his '*ipse dixit*' instead of '*scriptum est.*'[2] But this is clearly not a case of his '*ipse dixit*,' for all his facts and all his blunders are also found in Glover, and everything points to some bungling treatment of an unknown '*scriptum est.*' We can only wish that we could recall both of these heralds from the dead just for this afternoon only, and put them through a little gentle questioning as to what that *scriptum* was, where

[1] E.g. Ralph Pope and John Elman (not Elmain) and Ivel (not Ebull) Strange, the names of whose retinues appear in *Exch. Accts.* 45/18, 47/4.

[2] Vincent, *Discoverie of Errors* (1619), Introduction.

they saw it, how they dealt with it, what it looked like and so forth. But unless that *scriptum* should presently turn up on some unsuspected shelf or in some unexamined sack our problem will henceforward be how to disentangle and lay bare the substratum of truth contained in three late sixteenth-century transcripts, made possibly at third hand from an early fifteenth-century document now probably hopelessly lost, and though as you will all see I have not myself succeeded in arriving at a satisfactory solution of the puzzle, my purpose will have been achieved if by chance this paper shall have stimulated some younger and more energetic searcher to dig diligently till he find it.

APPENDIX

Retinue of Humphrey, Duke of Gloucester.—The first and the most important retinue on Brook's list is that of Humphrey, Duke of Gloucester, containing 140 lances, including the Duke. One additional name, viz. William Coule, appears in the Heralds College list, making a total of 141, called 142 lances in Brook's summary. The force mustered (before Richard Redman, kt., and J. Strong, esquire) on July 16, 1415, at 'Mikilmarch' or 'Mitchelmersh,' i.e. Michaelmarsh, near Romsey, in the New Forest, where the actual number of *lances* was 200, and of these the names of 196 are given on the Duke's Muster-roll ('Exch. Accts.' 45/13).

Comparing Brook's list with the lances on this muster-roll it will be found that:

(*a*) The two lists have 113 names in common, though with many variations in spelling.

(*b*) The muster-roll contains 70 names that are not in Brook, possibly because most of them did not go on from Harfleur to the battle.

(*c*) Brook contains 14 names that are not on the muster-roll, possibly as substitutes for others invalided at Harfleur.

Of the archers the Duke's indenture of service [also indenture of jewels, June 8, 1415, 'Exch. Accts.' 45/22 (4)] fixes the number at 600. The muster roll gives the names of 609, a discrepancy which will be found to be of frequent occurrence,

the number of archers actually passing the muster being often slightly in excess of the number specified in the indenture of service. The extra archers were probably there as possible substitutes, but no payment was allowed for the excess above the indentured number. Brook gives a total of 406 archers present at the battle without giving their names. There are no side notes on the muster-roll to indicate the fate of the men.

Below I give particulars of discrepancies in the names of the lances under the above headings (*a*), (*b*), (*c*).

(*a*) Variations in spelling between names of lances in Brook and on muster-roll:

On Muster-roll.		*On Brook's list.*
Bret	*v.*	Bryght
Bittre	*v.*	Barry
Smethewyk	*v.*	Smythewyke
Colerond	*v.*	Colerne
Wm. Coke	*v.*	Wm. Coule (Heralds' College)
Bocke	*v.*	Bucke
Gayght	*v.*	Gayte
John Wate	*v.*	John de Ware
Counsele	*v.*	Counseill
Whytney	*v.*	Wytteney
Banastre	*v.*	Banester
Kyrkeby	*v.*	Kyrkley
Sydnam	*v.*	Sydman
Mylboune	*v.*	Milborn
Wessington	*v.*	Wissington
Mayow Motlow	*v.*	Mayew Matlow
William Havte	*v.*	William Haute
Staunford	*v.*	Stamford
Tyrell	*v.*	Terrell
William Kyrkam	*v.*	John Kyrkham
Kynes	*v.*	Kinge
Neele	*v.*	Nele
Bonore	*v.*	Benote
Halghton	*v.*	Halnton
Nicholas Cole	*v.*	Nicholas Coule
Dorset	*v.*	Darset
Cavendysh	*v.*	Cannidische or Canndische (Heralds' College)

On Muster-roll.		*On Brook's List.*
fforden	*v.*	Fordet
Gerard Jamyson	*v.*	Johnson
Salomon	*v.*	John Salmon
Sengleton	*v.*	Singleton
Erlosshe	*v.*	Erlesch
Beamond	*v.*	Baumont
Jamys Ptr'ych	*v.*	James P'drich
Styrkeland	*v.*	Strykland
Ashton	*v.*	Aston
Reymas	*v.*	Reynes
Rokell	*v.*	Rokhill
Eũeas	*v.*	Enyas
Colfax	*v.*	Colfox
Schyryngton	*v.*	Shyryngton
Strangrond	*v.*	Savgrond
ffeinys	*v.*	Fenes
Edmund Hawken	*v.*	Edward Hawkan
Kylkenny	*v.*	Kelkenny
John Hamond	*v.*	Yon Hamond
Bolran	*v.*	Bolleron
Shakerle	*v.*	Hakerle
Robert Roos	*v.*	*Mons.* Robert Roos

(*b*) The following 68 names occur on the muster-roll, but not in Brook.

Christopher Gosevile	John Berney
Thomas Gabriel	John Hesswell
Thomas Ashell	Mons. Thomas Clynton
George Cotesmore	Henry Dobbyll
John Chambre	Clement Crewman
Thomas Grey	John Sutton
John Camvile	Mons. Thomas Morley
John Sanston	Thomas Braye
William Portya	William Wate
Andrew Berelf	John Gyffard
William Coles (or Colet)	Mons. Nicholas Havte
Mons. William Bellchamp	John Perot
William Buttraus [1]	Hugh Newbrygge
Mons. Robert Berney	John de Veer

[1] For retinue of Mons. William de Botreaux (20 + 40) see Nicolas, 374, but 23 + 60 on Muster-Roll (*Exch. Accts.* 45/18).

Richard Ussher	Robert Clapham
William Harryngton	Thomas Boston
Walter Horneby	Thomas Pygot
Hugh Calverley	John Strangrond
Thomas Marlow	Butyler (*sic*)
Thomas Stapper[1]	J. Belle
Stephen Tybba	J. Swyneshede
John Southek	Edward Haughton
Richard Southeck	Nicholas Burdett
John Collan	John Karlyon
John Tyrell	Robert Newmarsche
Edward Tyrell	John Hawkewode
William Ayleward	Thomas Newmarsche
Thomas Des Chalers	Robert Langforde
Walter Erve[2]	Walter Beuchamp
John Erve[2]	J. Lowthe
Roger Wyche	Hugh Wylton
Robert Laurence	Thomas Berwyk
William Grantham	William Wrothe
William Dacre	Henry fforst

(*c*) The following 14 names are in Brook's list, but not on the muster-roll :—

John Bredfeld	Thomas Wellys
Nicholas Thorley	Edward Stradlyng
Nichasin Scot	Owaine Hornby
Roger Clynderow	Thomas Thwayte
Richard Wyttun	Thomas Capper[3]
William Curteys	John Cole
Andrew de Rolf	John Sutton

[1] ? Same as Thomas Capper in (*c*).

[2] Evere or Eure.

[3] See Thomas Stapper in (*b*). In Pat. 3 H. V, ii. 35 (Oct. 9, 1415) Thomas Bernes is going abroad in comitiva of the Duke of Gloucester, but his name does not appear in any of the lists. In his claim (*L. T. R. Misc. Enrolled Accts.* 6/4) the Duke of Gloucester deducts 72 + 211 from his indentured numbers, apparently as being absent from the battle, thereby reducing his numbers actually present at Agincourt to 128 + 389 while Brook's list gives 142 + 406. The composition of the retinue has been recently discussed by Mr. Kenneth Vickers (p. 18 from Hunter, p. 21) giving a somewhat complicated calculation as to the numbers based on the wages paid during the first quarter which are assumed to amount to about £3000.

Thomas Lord Camoys[1] by his indenture of service was to bring 30 + 60 for which number he received payment for the first quarter. See 'Iss. Roll, 7 H.V. Pasch.,' July 3, 1419. His muster-roll ('Exch. Accts.' 47/13) gives the names of 32 (including himself and Thomas Hoo, knight) + 69. This list of names was printed in 1863 by W. D. Cooper ('Sussex men at Agincourt' in 'Sussex Archæol. Coll.' xv. 135) who quotes 'Pipe Series' in 'Carlton House Ride MSS.,' possibly 'L. T. R. Misc. Enrolled Accts.' 6/3, where Lord Camoys claims for 30 + 60 till Nov. 24, 1415.

Of the 32 lances 5 died or were invalided at Harfleur, 1 stayed with the garrison at Harfleur, and the remaining 26 were present at the battle.

Of these 26 lances Brook omits the name of 1 altogether, places William de Spayne as 'Mons. William Spayne' among the retinue of the elder Earl of Suffolk, and gives the remaining 24 quite correctly, with the following 9 variations of spelling, viz.:

Canvyle	*v.*	Camvyle	Mewys	*v.*	Mewes
Symsby	*v.*	Seintesbury	Tryskebett	*v.*	Tryskebetys
Glyspyn	*v.*	Gylspyn	Kynston	*v.*	Kyngeston
Boydon	*v.*	Boydell	Codington	*v.*	Godyngton
Bredon	*v.*	Bretton			

He gives Thomas Fitzhenry as *mort al bataile* though not so noted on the muster-roll. The name occurs again in the retinues of Sir Thomas Grey and Sir William Harington (Nicolas, 347, 362) with no indication that he was killed.

Brook gives 69 archers as present at the battle, but the muster-roll gives 55 (*fuerunt ad bell' de Agyncourt*) bracketing the remaining 14 with a note *isti 'quinque' sagittarii fuerunt titulati ad bellum*, meaning, apparently, that the remaining 9 were not entitled to payment.

The Earl of Huntingdon was indentured on April 29, 1415, to bring 20 + 60 (not 20 + 40 as Nicolas, 373; entered as 20 + 40 on his receipt, dated June 6, 1415, but 20 + 60 on July 6, 1415), and when he mustered on Swanwick Heath on July 14, 1415, his force amounted to 23 + 72, all of whose names appear in his muster-roll ('Exch. Accts.' 45/18). From his claim for

[1] Called 'Caumyzt' in Heralds' College MS. For his safe conduct, dated June 5, 1415, see Carte, *Rolles*, ii. 221; called June 12 in W. D. Cooper, 133.

payment (45/7) and 'Misc. Enrolled Accts.,' 6/9) it appears that 2 of his archers died at Harfleur and that he started with 20 + 58 for the battlefield. But of these 1 + 4 were killed in the battle and 1 more archer died at Calais, the rest numbering 19 + 53, including the Earl himself, returned to Dover with 72 horses. Brook's list gives 16 + 35 as present in the battle and of the 16 lances 10 can be identified in the muster-roll with the following variants in spelling:

Dell	*v.*	Deell	Rothyngs	*v.*	Rotyng
Innyng	*v.*	Junnyng	Hardy	*v.*	Hard
John Keleryon	*v.*	William Kylleryen	Eyon Elys	*v.*	Yon Elys

and William Wymondeswold, who was really an archer.

He gives 4 names that are not in the muster-roll, but omits 9 that are there, viz. Andrew Acton, kt.,[1] Henry Street[2] (*qui interfectus fuit apud bellum dagyncôt*), William Moyle, John Shepwyck, Thomas Helde, William Dutton, Thomas Gourney, John Warner and Richard Talbot.

Among the archers named in the muster-roll is John Nesse, farro (i.e. farrier).

Richard Earl of Oxford was indentured for 40 + 100 ('Exch. Accts.' 46/3 6; also 45/21 (53), i.e. his indenture of jewels, June 12, 1415, with fragment of his seal). All these mustered at Walloppesforthe before Lord de Harington and John Rothenale, kt., on July 6, 1415. His muster-roll shows that 37 [or 40] + 84 reshipped at Calais after the battle including the Earl himself, and gives no side notes as to casualties. Brook's list gives 29 + 79 as present in the battle. He gives the names of these 29 lances correctly though spelling Werk as Work, Hervy as Herny and Ralph Wardale as Raulyn Wardale. But he omits the following 11 names, viz.:

John Brygge[3]	John Fitzrichard
Thomas Coveley[4]	John Angier
John Twyford	Geben Dedham
Thomas Haspall	Thomas Whyteney
William Tregononn[5]	Reynold Buckton
Richard Cornell	

[1] Though in *Exch. Accts.*, 45/18, he appears in the retinue of William Lord Botreaux and was left in garrison at Harfleur.

[2] See page 134.

[3] Unless this is John Bryggez in J. Burgh's retinue.

[4] This name occurs in the Duke of Gloucester's retinue.

[5] Or Tregonenn.

The Earl of Suffolk, the son (i.e. Michael de la Pole), was indentured for 20 + 60 on April 29, 1415 (see their names in 'Exch. Accts.,' 46/24, with small fragment of his seal), the Earl himself being *interfectus ad bellum de Agincôt*. Of the 20 lances, 2 were killed at the siege of Harfleur; 1 was sent to England with a message on October 7; 2 were left with the garrison at Harfleur on October 8; 1 was taken prisoner on October 21; 14 were present at the battle. These are correctly given in Brook.

Of the 60 archers 5 returned to England, sick, from Harfleur, October 7; 5 were left in garrison at Harfleur, 3 of whom were cancelled because the captain did not certify them as there, though in 47/19 the Duke of Exeter (sic) certifies for 2 + 6 (called 2 + 7 in 47/40) as being at Harfleur for the whole of the second quarter, i.e. till January 6, 1416; 50 were present in the battle (called 46 in Brook), though in 'L. T. R. Misc. Enrolled Accts.' a claim is made for 18 + 58 as present in the battle (2 + 2 having remained to garrison Harfleur), one of the archers being named John Killebury. The muster roll gives 16 + 90 (with 85 written below) as serving during the second quarter.

William Boteller, kt.—He indentured for 10 + 30 ('Exch. Accts.,' 47/8) but he died at Harfleur (Nicolas. 377), his executors being his widow, Elizabeth, and William Ferrers of Groby, knight ('L. T. R. Misc. Enrolled Accounts,' 6/3). His muster-roll ('Exch. Accts.,' 47/8; Beamont, *Warrington Church Notes*, i. 232) contains no side notes to indicate the actual number of his lances present in the battle.

Brook (353) gives the names of 4 lances, all of whom are on the muster-roll, viz. John Singleton, Robert Heton, Thomas Ashton and Gryffen or Geffron (which should be Geoffrey, Galfredus) Hesketh, but he brackets them all as 'archers,' which probably means '+ 16 archers' as in Glover. See Nicolas, 353.

Sir Thomas Erpingham was indentured for 20 + 60 ('Exch. Accts.,' 47/20) and from his muster-roll ('Exch. Accts.,' 44/30 (3), 47/20) we know that of the 20 lances, 3 returned sick from Harfleur, and 16 were at the battle. This latter number is correctly given by Brook, but he omits the names of two (viz. William Bamburgh and Richard Gegge), giving only the names of the other 14[1]; all of these, however, are correct except that he

[1] Including John Sterling, who is known to have been in Erpingham's muster independently, i.e. from *Cal. Doc. Scot.* iv. 173, dated Southampton,

spells Hert as Hart, Bryston as Brayston, Laveney as Leneny, Augustin Stratton as Denston Statton, and Reginald Bresingham as Brisingham.

The names of 60 archers are given on the muster-roll, of whom 2 died at Harfleur, 1 died on the march, 1 returned sick from Harfleur and 56 were at the battle (including Stephen Goring—interfectus). But Brook gives only 47 archers without giving any names.

Erpingham's retinue is taken as a typical example by Hunter in 'Add. MS.,' 24619, ff. 82–86, to show that each pouch contained 4 documents (viz. the indenture of service, indenture of jewels, list of sick, dead and invalided home, and muster-roll).

In his muster-roll the numbers are 23 + 75, but these include 4 + 15 entered as *oultre la nombre*.

John Lord Harrington[1] was indentured for 30 + 90, but he actually mustered 34 + 94, including 4 lances who take the place of 4 sick ('Exch. Accts.,' 47/33). Of the 30 lances he himself and 10 others are on a list of sick allowed to return to England on October 5, 1415, though 7 out of these are on Brook's list as present in the battle, viz. :—

Thomas Fitzpayn	John ffolbroke
Alan Pennington	Gilbert Nowell
John Chichester	Thomas Broghton
Henry Ledrede	

Brook's total including these 7 = 26, his remaining 19 names are correct by the muster-roll, except that he omits Nicholas Broghton and John Stanlowe.

The number of archers was 94, of whom 20 were sick (totalled as 21) and 74 were present at the battle, though Brook gives the number as 83.

John Mowbray, Earl Marshal ('Exch. Accts.,' 47/37), by indenture brought 50 + 150, but these numbers fall to 33 + 80 in

July 23, 1415. Two men of arms, viz. Thomas Geney and John Calthorpe, in this retinue were killed in the battle (Hunter, 35), but do not appear in Brook's list as present there.

[1] For his will dated June 18, 1417, see Dugd. ii. 99 (not *January* 18th as *Test. Vet.* 197) when he was proposing to go abroad. It was proved, April 26, 1418, *Inq. p. Mort.* iv. 35. He died Feb. 11, 1418, Langton, i. 126, 134 from Inquisitions held at Lancaster on March 20, June 23, 1418.

Brook. Of the 50 lances 13 (including the Earl) returned sick from Harfleur to Portsmouth on October 4 in the *Nicholas* of Hull (see names in separate sick list, 'Exch. Accts.,' 47/38), 3 died during the siege at Harfleur (names in 'Exch. Accts.,' 47/38), 34 were at the battle, called 35 in 'Exch. Accts.', 47/38. Of these 34 or 35 names Brook omits two, viz. John Basset and John Moldewy, giving 33 names quite correctly though he spells :

Hotham as Hoton	Haythorpe as Hagthrop
Germy as Geryne	Wylton as Wyton
Redsham as Rodsam	Wyñ as Wyner
Lodewyche as Lodewyke	

Of 150 archers 45 returned sick from Harfleur (called 47 in 47/38 where their names are given); 104 were at the battle (called 80 in Brook). Their names are in 47/38, which says *qui furent à la bataile d'Agincourt,* but there are no further side notes on this muster-roll.

Rowland Lenthall, a Herefordshire knight, was indentured to serve with 12 + 36 ('Exch. Accts.,' 45/21 (61) or 10 + 36 ('L. T. R. Misc. Enrolled Accts.,' 6/8). We know from his claim (Muster-Roll, 46/13) ('L. T. R. Misc. Enrolled Accts.,' 6/8) that 2 of his lances died during the siege of Harfleur, that 3 more returned home invalided and that the total of his retinue that were present at the battle amounted to 8 + 34, 2 archers having died at Harfleur. Brook's numbers are 9 + 33. He gives the names of the first 4 on the list of 8 lances correctly, though his 'Richard Fythian' is Phithian Palm' (? Palmer) on the muster-roll. His other 4 names do not correspond at all. The names appearing on the muster-roll, but not in Brook, are William Eyton, William Crenewaille, J. Ruffert, Roger Golynge, Richard Fallde, Thomas Ocle and Nicolas Casnall.

Hertonk van Clux, a knight of Flemish origin, was indentured to serve with 3 + 9 (from his indenture of jewels, 'Exch. Accts.,' 45/21, June 13, 1415), yet he appears in Brook's list with 100 lances which would imply 300 archers as well, though Brook gives none. Of these 100 lances Brook gives the names of 14, but on examining them we find that he has included Nicolas Reresby and Ralph Pole, who had their own retinues of 2 and 3 archers respectively, and Christopher Preston, who was really in the retinue of James Harrington, knight ('Exch. Accts.,' 47/32).

John Burgh,[1] the Treasurer's Clerk, was indentured to serve with 3 + 9 (see his indenture of jewels in 'Exch. Accts.,' 45/20 (54), but Brook gives him a perfectly fabulous retinue of 62 lances to which should be added 185 archers as shown in Glover's list and in the Heralds' College MS., he has somehow omitted to copy. But here, fortunately, we can partly track him down, for of the 62 lances he gives the names of 40, nearly all of which occur in 'Exch. Accts.,' 45/5 and 45/18 as signing separate indentures of their own. E.g., William Burgoyne, Thomas Lychbarowe, Nicholas Lary (for his indenture of jewels see 'Exch. Accts.,' 47/14; 47/24), Robert Quikkesley, Thos. Corbet (for names of his 3 archers see 47/22), John Astowe, (or Asco in 'L. T. R. Misc. Enrolled Accts.,' 6/7: 'Exch. Accts.,' 46/40, which gives the names of his 3 archers and shows that he himself returned sick from Harfleur). Robert Helyon, Stephen Ferrour, Thomas Eston, Thomas Marpurley (names of his 3 archers in 46/15), William Bredwardyn (or Bradwardyn in 'Iss. Roll, 3 H. V. Mich.,' December 19, 1415, which contains payments to him and Nicholas Lary and others), J. Holton, Thomas Stanton, Richard Etton, William Holton (not Holt), Laurence Everard, Giles Thorndon, Nicholas Holand, Gerard Hwne (but Huyn in 45/22 (33), Thomas Apulton, Richard Parker, Richard Revesby (or Reresby 45/20), Thomas Scarles (not Scarlet), J. Phelipe, Master Robert Hunt (not Hunto), J. Clement, William Castellayn, John Selby (46/82), Robert Lacok (47/36) and William Wyghtman ('L. T. R. Misc. Enrolled Accts.,' 6/4). Most of these names appear in a list of 82 persons as esteantz à Bouche de Courte in 'Exch. Accts.,' 407/10 with a note that all had been allowed their wages till July 12 inclusive (*s. a.* but probably 1415). A similar confusion may perhaps explain the case of John Pilkington who was really indentured to bring 6 + 3, but appears in Brook's list with a retinue of 10 + 45.

The following may be taken as specimens of knights, squires and men-of-arms whose names do not appear in Brook's list, but

[1] See p. 110. In *Iss. Roll* 3 *H. V. Mich.*, Dec. 23, 1415, March 2, 1416, John Burgh has 5*d.* paid as Cleric. Thes. from July 18, 1415. For £40 p.a. granted to him by Henry IV, see *ibid.* Dec. 20, also 5*d.* paid to him as a scribe, *ibid.* December 23, 1415. In Brook's list occurs the name of Gregory Ballard who brought 3 archers. In *Exch. Accts.*, 47/10, he is dead and his widow, Catherine, has become the wife of J. Burgh. See also *L. T. R. Misc. Enrolled Accts.*, 6/3, where payment is only claimed till Oct. 6, 1415.

who certainly took part in the battle as is proved by their claims for payment up to November 24, 1415, put in subsequently in 'L. T. R. Misc. Enrolled Accts.,' 6/4–11.

Henry Strete, a man-of-arms in the retinue of the Earl of Huntingdon, was killed in the battle (Hunter, 25) but he does not appear among the names of the retinue given by Brook.

Wm. Talbot, a Cornish knight, was present in the battle with 4 + 12 as proved by his claim in 'L. T. R. Misc. Enrolled Accts.,' 6/8, but Brook gives him only 4 + 6 and a further examination of the same accounts shows that the following were all certainly in the battle with their retinues though none of them appear in Brook's list, viz.: James Harington, kt.[1] (8 + 26), Richard Scrope, kt. (15 + 45);[2] esquires and others, viz.: Richard Chalons (3 + 9), Simon Felbrigge (12 + 36), Thomas Chaworth (8 + 24), Richard Hay (1 + 2), Robert Castell (0 + 3), Stephen Payne (0 + 3), William Bradshaw (0 + 3), John Longevile, Ralph Ramsay, William Orell, Thurstan de Anderton, Henry Pemberton, Henry Blundell, Robert Brut,[3] William Skaresbrek (with 2 archers each), Walter Beauchamp (4 + 12), William Assenhull (2 + 6), Stephen Hatfield (2 + 6), Robert Lovell (2 + 6),[4] John Peryent (3 + 9), Nicholas Alderwich (3 + 9), William Wilcotes, Robert Laurence (2 + 6)[5] (who captured two prisoners), John Chenduit

[1] In *L. T. R. Misc. Enrolled Accts.*, 6/9 he is defunctus in 1426, his executors being Richard (his son and heir), Nicolas Haryngton and Richard de Shirbourne. By his indenture dated May 12, 1415, he was to bring 50 Lancashire archers who are entered in the account of Richard Ursewyk, kt., where wages are claimed for them from July 8 to Oct. 6. He also indentured for 10 + 30, of which number he himself and one of the men-of-arms were sent back from Harfleur to defend the northern part of England. Two archers died at Harfleur, 1 archer was left in garrison at Harfleur and the rest (8 + 26) were in the battle and all returned to Dover, with 39 horses, in Nov. 1415. He was Sheriff of Cumberland in 1413 (*List of Sheriffs*, 27), was knighted Nov. 6, 1413 (Shaw, ii. 11). For his indenture of service see p. 107.

[2] Of whom 1 man-of-arms died at Harfleur, *L. T. R. Misc. Enrolled Accts.*, 6/11.

[3] He was invalided home from Harfleur, but his 2 archers were in the battle.

[4] But 3 + 12 in *Exch. Accts.*, 46/12.

[5] For his indenture (2 + 6) see *Exch. Accts.*, 46/8, but names of 2 + 8 in 46/9 though totalled as 2 + 6 in side note on same roll.

(0 + 2), Nicholas Horton and Henry Bromley (3 archers each); and John Clynk (0 + 2), also the large muster of John Merbury Chamberlain of South Wales has no place in Brook's list, though he brought a retinue of 20 + 500 from Cardigan, Brecon and Caermarthenshire, for whose wages he received £436 at Hereford. For indentures, with seals, signed at Carmarthen and Brecknock, January 26, 1415, see 'Exch. Accts.,' 45/5 (10), 46/20. The following are the names of the men-of-arms from:

(*a*) *Carmarthenshire.*—John ap f-Rys, Henry ap Jevan, Gwyn Rys ap ll'ap Gryff' Vachan, David ap Jevan ap Traharn, Griffith ap M'ed ap Henry (total = 5 + 102).

(*b*) *Cardiganshire.*—M'ed ap Owen, Owen Mortym', Owen ap Jankyn, Yllort ll'ap Cliffort, Walter ap Jevan (= 5 + 238).

(*c*) *Brecknockshire.*—Watkin Lloyd, Andrew ap Lewis, Jevan ap Ric, Jankyn ap Meur' ap Ric, Jankyn ap John ap Rhys, Pli (? Philippi) ap Gli (? Gliffort) Bras, Ricard ap Rys, Meur' ap Rys, Richd Brys (= 9 + 160).

The Carmarthenshire men came from Kethynok, St. Clears, Llanstephan, Emlyn, Penryn, Tallagharn, Elvet, Wydegada, Trayne, Osterlo, Iskennen (or Yskennin, Wylie, iv. 574), Mamorderlo, P'reth (?), Hyrcoryn, Jathakell, Mallam and Cayo.

The Cardiganshire men from Iskyron, Mabun', Kayr, Wedros, Vehkerdyn, Iskerdyn, Iswyle, Ishyrwerñ and Uchayron, and the Brecon men from Clyncawy, Cantreffly, Hay Island, the Forest, Straffelte, Lywell and Coñwt.

The total force amounts to:

Cardigan	5 + 102	
Carmarthen	5 + 238	(13 of whom were mounted, the actual addition gives 237 including 3 names struck out *quia extra*).
Brecon	10 + 160	(14 of whom were mounted).
	20 + 500	of whom 5 + 54 were on the sick list at Harfleur, 'Exch. Accts.,' 45/1; Hunter, 51.

If Brook's list be tested by comparison with the roll of the sick ('K. R. Exch. Accts.,' 44/30 (1), it will be found on the whole to contain few contradictions, as the sick and invalided had been certainly deducted from Babthorpe's roll, though even here we

are met with difficulties, e.g.: The names of the 7 lances in Lord De Roos' retinue, given by Brook, include 1 of the sick.

24 in Lord Harington's include 10 of the sick
22 „ Sir Henry Huse's „ 7 „
20 „ Lord Fitzhugh's „ 1 „
9 „ Thomas Chaucer's „ 2 „
29 „ the Earl of Oxford's „ 3 „ viz. Wm. Sencler, Roger Eston and George Langham (called Laughton in Brook).
7 „ Sir William Phelip's include 1 of the sick,

though one would have thought that all those scheduled as *malade* would have been sent home.

But most formidable of all is the fact that many of the largest retinues are omitted from Brook's list altogether, of which the following are specimens:—

Duke of Clarence	240 + 720
Duke of York	100 + 300
Earl of Dorset	100 + 300
Earl of Arundel	100 + 300
Earl of Salisbury	40 + 80
Edward Courtenay, kt., eldest son of the Earl of Devonshire	30 + 90
John Cornwall, esq.	30 + 90
John Phelip, kt.	30 + 90
William Lord de Willoughby	30 + 60
Robert Lord de Willoughby, of Eresby	30 + 60
William Lord de la Zouche	20 + 40
Richard Scrope	16 + 45
Simon Felbrigge	12 + 36
James Harington, kt.	10 + 30
John Dartas	10 + 30
Thomas Dutton	10 + 30
John Fastolf	10 + 30
Richard Arundell, kt. (not 1 + 30 as Nicolas)	10 + 30
John Lord Clifford	30 + 90
Thomas Gray, kt.	24 + 48
Gilbert Umfraville, kt.	20 + 90
Roger Leche, kt.	20 + 60

John Blount, kt. . . .	20 + 60
Hugh Lord Bourchier . . .	20 + 40
Robert Umfraville . . .	20 + 40
John Clifford, esq. . . .	20 + 40
William Lord Clynton . .	20 + 40
William Lord de Botreaux .	20 + 40

Of individual names of persons who are certainly in the battle, but do not appear in Brook's list, the following may be taken as specimens :—

John Craven and Simon Irby took prisoners in the battle (Baildon, 110) though they may not have been captains.

Thomas Hostell proved to have been present in 'Orig. Lett., Ser. II.,' i. 95.

A striking fact about Brook's list is that the totals of his retinues, wherever he gives them, almost always show a considerable decrease from the numbers specified in the indentures, which may, of course, possibly be due to leakage during the campaign. On the other hand 3 retinues show an actual rise, viz. :—

John de Grey, kt.,	rises from	20 + 60 (in 45/5 (4)	to 35 + 86
William Harington, kt.	,, ,,	9 + 30 (*ibid.*)	to 13 + 28
Robert Babthorpe	,, ,,	5 + 15 (*ibid.* m. 6)	to 6 + 18

The following 24 retinues show a fall :—

Duke of Gloucester	from	200 + 600	to	140 + 406
Earl of March	,,	60 + 160	,,	20 + 200
Earl of Cambridge	,,	60 + 160	,,	3 + 6
Earl Marshal	,,	50 + 150	,,	34 + 80
Earl of Suffolk	,,	40 + 120	,,	16 + 71
Earl of Oxford	,,	40 + 100	,,	30 + 79
John Lord Harington	,,	30 + 90	,,	26 + 83
Henry Lord Scrope	,,	30 + 90	,,	6 + 14
Henry Lord Fitzhugh	,,	30 + 90	,,	21 + 82
Gilbert Lord Talbot	,,	30 + 90	,,	21 + 55
William Bourchier, kt.	,,	30 + 90	,,	25 + 81
Thomas Lord Camoys	,,	30 + 60	,,	24 + 69 (sic)
Earl of Huntingdon	,,	20 + 60	,,	16 + 35
Earl of Suffolk (the son) [1]	,,	20 + 60	,,	14 + 46
Gerard Usflete, kt.[2]	,,	20 + 60	,,	10 + 33

[1] From *Exch. Accts.*, 45/15 ; 45/22 (39).
[2] Sic in *Exch. Accts.*, 45/5.

Walter Hungerford, kt.	from	20	+	60	,,	17	+ 55
Thomas Erpingham, kt.	,,	20	+	60	,,	15	+ 47
Thomas West, kt.	,,	20	+	60	,,	15	+ 40
John Lord Maltravers	,,	20	+	40	,,	10	+ 34
John Lord de Roos	,,	20	+	40	,,	9	+ 22
Edmund Lord Ferrers[1] of Chartly	,,	12	+	36	,,	6	+ 9
Roland Lenthall, kt.	,,	12	+	36	,,	9	+ 33
Thomas Chaucer	,,	12	+	36	,,	10	+ 37 (sic)
William Phelip, kt.[2]	,,	10	+	30	,,	8	+ 29
Richard Hastings, kt.	,,	8	+	28	,,	4	+ 8
William Talbot, kt.[3]	,,	4	+	12	,,	4	+ 6

Brook's list includes several members of the King's household, who were noncombatants, and 1 of whom was certainly not present at all, viz. John Fereby, Clerk of the Green Cloth, who was 'sick at the Castle of Meremont,' possibly Merework, near Maidstone, which at that time belonged to the Treasurer, the Earl of Arundel (Hasted, ii. 264). For 113 names of different officers of the King's Hostel see 'Exch. Accts.,' 45/18, 8 of whom are clerks or sub-clerks of the larder, bakehouse, spicery, scullery, hall, cate' (? catery), saucery and avenery; among the latter is James Meyndy, who is called Yeoman of the Napery in Nicolas, 388.

The side notes in Brook's list are of great interest, but we can only occasionally trace their origin, e.g. 'which God assoile' against the name of Sir Nicholas Longford corresponds with *q'est mort* in 'Exch. Accts.,' 45/1; John Aungers, in Erpingham's retinue, is *mort a Caloys* in Brook—*mortuum apud Cales* in 47/20. On the other hand the side note against the name of John Fereby (*ut sup.*) finds no place in his muster-roll (47/21) and Brook has occasionally *pš a bataille* against the names of persons who were killed before the battle.

In conclusion we find that, in addition to the numbers in the retinue of Rowland Lenthall (*ut sup.*), Brook is quite correct in his lists of names in the following retinues, when compared with existing muster-rolls.

William Phelip compared with 'Exch. Accts.,' 46/16 both as to names and numbers.

[1] *Exch. Accts.*, 45/5.
[2] *Exch. Accts.*, 45/5.
[3] *L. T. R. Misc. Enrolled Accts.*, 6/8.

Ralph Shirley (6 + 18; 'L. T. R. Misc. Enrolled Accts.,' 6/1) compared with muster-roll (46/29; Yeatman, ii. 139); showing 3 lances at battle (names correct in Brook); 3 (including Shirley) returned sick, October 5, 1415; and 12 archers at battle (*nil* in Brook); 6 returned sick, October 5, 1415.

Thomas Strickland (2 + 6). Brook gives correct names by muster-roll (46/28), but no archers.

William Talbot, kt. (4 + 12), 3 at battle by muster-roll (46/25) + 7 archers (= 6 in Brook).

Earl of Suffolk, the father (40 + 120) = 16 at battle (46/24) right in Brook + 90 archers (= 71 in Brook).

Earl of Suffolk, the son (20 + 60) = 14 at battle (40/24) right in Brook + 50 or 85 or 90 (= 46 in Brook).

Robert Babthorpe (5 + 15) = 5 at battle (46/38) right in Brook, who adds the name of William Mason, which has been struck out in the muster-roll because exceeding the numbers in indenture, + 15 (= 18 in Brook, who includes 3 which have been struck out on the roll because in excess of indentured number).

Thomas Chaucer 12 + 36 (47/29), but 9 + 37 on muster-roll, i.e. 2 have been deducted who died at Harfleur and seemingly Chaucer himself, who was invalided home and returned as dead. The names of the 9 lances at the battle correspond with those in Brook.

William Kynwolmersch (3 + 9). Brook gives the names of the 3 lances correctly as in 45/18, but his 'Robert Myrfyn' appears as Robert Mšyn in 'L. T. R. Misc. Enrolled Accts.,' 6/3, jointly with William Balme, Clerk of the King's Kitchen, as capturing a French prisoner whose name they did not know but they sold (*vendiderunt*) him for £10 called *Richard* M'fyn in 'Exch. Accts.,' 47/11 where he brings 15 archers, jointly with Richard Anderlsby and others including 6 *ultra retinentiam.*

John Styward's 3 lances (in 45/18) are correctly given in Brook, except that 'Brekell' has been changed into 'Baker.'

Thomas Percy. Of the 3 lances Brook gives 2 correctly, but he adds William Fayrchild, which is the top name on the list of archers in the muster-roll (45/18).

John Waterton indentured for 8 + 24 ('Exch. Accts.,' 45/5 (7)), but 8 + 26 actually mustered at Southampton, July 13, 1415 (44/30 (3)). Of these 2 + 7 fell sick at Harfleur (45/1) so that Brook is right in giving the number of the lances as 6, but the muster-roll (44/30 (3)) supplies many corrections in the spelling of their names. E.g., Wastnys should be Westnes; Bowchier, Powcher; Wychington, Whittington; Seyvill, Saywill, and Longesby, Lowngisby.

Sir William de Legh indentured for 3 + 9, but he only claimed for 1 + 6 as present at the battle, he himself having returned invalided from Harfleur on October 26 with 1 + 3, 'L. T. R. Misc. Enrolled Accts.,' 6/3, but Brook's list gives himself and 3 lances as present in the battle, two of whose names are correctly given but 1, viz. Richard Townley, does not appear in the muster-roll ('Exch. Accts.,' 44/30 (3)) on which 11 names are given.

Sir John Cornwall indentured for 30 + 90 ('Exch. Accts.,' 45/5 (4)) but in Brook's list his name appears without any retinue at all.

Adam de Whittington or *Whitingham* brought a retinue of 3 archers, 'L. T. R. Misc. Enrolled Accts.,' 6/1; his muster-roll (46/17) shows that he died at the siege of Harfleur (*qui moriebatur apud obsidionem villae de Hareflete*), but he appears in Brook as present in the battle, as also does *George Benet*, the king's cordwainer, but we know from his muster-roll (45/15) that he returned to England from Harfleur; also *Sir Ralph Shirley*, but he was invalided home *ove un paget* from Harfleur by permission of the king, dated October 5 (*s.a.*) as appears from 'Exch. Accts.,' 45/14, with the royal seal attached, though there is no evidence of this in 'L. T. R. Misc. Enrolled Accts.,' 6/1.

I obtained the following results from an examination of 'L. T. R. Misc. Enrolled Accts.,' 6. It shows that 117 captains named therein claimed wages for their services in the campaign (viz. 3 dukes, 5 earls, 3 barons, 19 knights, 76 squires, 11 clerks, &c.), of whom 21 returned from Harfleur without proceeding further, leaving a total of (117–21) = 96 of them present, with their retinues, in the battle. But 49 of these do not appear in Brook (viz. 2 dukes, 3 barons, 9 knights, 30 squires and 5 clerks, &c.).

THE POSSESSION OF CARDIGAN PRIORY BY CHERTSEY ABBEY

A Study in some Mediæval Forgeries

By H. E. MALDEN, M.A., *V.P. and Hon. Sec.*

Read March 16, 1911

The Abbey of Chertsey was among the earliest of the great monasteries of the south of England. Its foundation was ascribed to Earconwald bishop of London and Wulfhere, king of the Mercians in the seventh century, supported by Frithwald *subregulus* of Surrey, whose name is the only extant name of the kings of the Suthrige. The abbots of Benedictine Houses of royal foundation were, as a rule, lords of Parliament in later centuries. The abbot of Chertsey, though a mitred abbot, was not; perhaps the king of the Mercians, though certainly overlord at the time of all southern England, was not sufficiently like a king of England to be counted. The fact of the royal foundation is sufficiently attested by Bede; about the circumstantial accounts of its endowment a little doubt may be entertained. But Chertsey was a rich and an important house, and the abbots occupied distinguished positions. Abbot Hugh accompanied Ralph archbishop of Canterbury to Rome, after 1114, in the capacity of physician, when the archbishop went as an ambassador in the controversy concerning the relative positions of the sees of Canterbury and York.[1] Later Abbot Martin was sent to treat with the Pope by Richard I in 1198.[2] In the course of the twelfth century it

[1] *Historians of the Church of York*, Rolls Series, ii. 143.
[2] *Ann. Mon.* ii. 45, and Matt. Paris, *Hist. Minor*, ii. 75.

seems likely that a very distinguished man was Abbot of Chertsey. King Stephen confirmed the possession of the abbey to Hugh the Abbot, whom he addresses as *nepos meus*.[1] Hugh de Puiset was nephew to Stephen. It is not unlikely that his uncle Henry of Winchester may have put him as a young man into one of the rich abbeys in his see. If this be so he is not the same as the Abbot Hugh whom we have mentioned earlier in the century. But this preferment of Hugh de Puiset does not seem to be otherwise known. John de Rutherwyck, a very active man of business, abbot from 1307 to 1346, seems to have been on special terms with the crown. One king, Henry VI, was for a time buried at Chertsey. The last capricious act of royal favour was the curious proceeding of Henry VIII, who accepted the surrender of Chertsey and forthwith refounded it at Bisham, with some of the old and some new possessions, only to suppress it a few months later. But to revert to early days; in 1086 Chertsey was by a long way the most considerable ecclesiastical landholder in Surrey. The house had twenty-eight separate holdings in the county, and oddly enough they said that they had another, Horley, which is not mentioned in Domesday.[2] The house apparently gained favour with the Conqueror, who gave them a charter. The abbot in 1086 was an Englishman, Wulfwold, whose brother Oswold was one of the few Englishmen in Surrey who kept under William lands which had been his under Edward. But although the great body of Chertsey lands were in Surrey they held elsewhere in 1086, or acquired later, some others chiefly in the neighbourhood, Berkshire, Hampshire and Middlesex. One outlying group of possessions they had, however, the Priory of Cardigan, and some neighbouring churches in South Wales, a curiously detached block, their acquisition of which I wish briefly to consider. Incidentally the study involves some events of

[1] Cott. MS. Vitell. A., xiii. f. 57.

[2] Chertsey held it later and showed an earlier charter than 1086 for the title.

South Welsh history, and a consideration of the trustworthiness of more than one monastic charter.

They were not unchallenged in their possession ; and the rival claimants, the Abbey of St. Peter, Gloucester, backed their assertion of right by some outrageous fabrications, which have caused me to give to this paper the alternative title ' A Study in some Mediæval Forgeries.'

Chertsey itself was not, I think, quite free from the guilt of fabricating documents. No doubt the abbey was an ancient foundation, and no doubt it had some large endowments before the Conquest. Whether the record of those endowments is correct is another matter; contemporary it certainly is not. I should be sorry to give up entirely the authenticity of the earliest charter, and the introduction to the Register which precedes it[1] with its name of a sub-king of Surrey; but it is an odd document. These early Chertsey documents are contained in a Register, preserved in the Cottonian collection, numbered Vitellius, A. xiii. It is obviously a thirteenth-century record of documents professedly dating from the seventh century onwards. The preamble says that the earliest charter, which follows immediately, is of the year 673, and it says that the abbey was first founded in 666 '*regnante glorioso rege Anglorum Egberto*,' afterwards it says ' primo sub rege Egberto.' Now there was an Egbert of Kent who reigned from 664 to 673, but had a king of Kent anything to do with Chertsey ? He was Egbert the first of Kent, but before an Egbert the second appeared he was not likely to be called Egbert the first, if ' primo sub rege Egberto ' be construed in that way. I think that ' gloriosus rex Anglorum Egbertus ' can only be Egbert of Wessex, who was born over a century later. Then the charter is subscribed by Wulfhere king of the Mercians, who died in 675, and also witnessed by Humfrith the bishop. A Humfrith, the only one known to history, became bishop of Winchester in 744,

[1] Birch, i. 34.

seventy-one years after the charter. It happens that he was contemporary with Egbert the second of Kent. That a king of the Mercians should be the overlord of Surrey, and that the bishop of Winchester should be diocesan is no doubt correct for 673, the West Saxons had been overlords and West Saxon ecclesiastical supremacy was not lost, though Mercian political ascendancy had been by then established. But some editor, we will say, much later than 673, is responsible for the introduction and for the charter as it stands. Humfrith the bishop witnessed another charter ascribed to 727, seventeen years before he became a bishop, which was confirmed by Earconwald and by Wulfhere thirty-four and fifty-one years after their respective deaths.[1] To the alleged early charter is appended a description of the boundaries of the land in Early English. I do not profess to be a critical scholar of Anglo-Saxon, but I should be surprised to be told that it is in the language of the seventh century. King Alfred confirmed the early charter. A boundary list is appended to his charter, with slight variations from the former. The former boundaries include the heath, and the latter the gate of Sir Giffreus de la Croix. I should not expect to find a person of that name living near Chertsey in the seventh century or even in the ninth century, and it happens that a person of that name was living there in the early thirteenth century. He appears in *Testa de Nevill*, among other places, as a tenant of the Clares in Walton-on-Thames.

Chertsey Abbey was burnt by the Danes, somewhere about 871, and, after a restoration by Edgar and Ethelwold, bishop of Winchester, seems to have been burnt again about 1010. On the first occasion the abbot, the prior, and ninety monks, surely the whole community, are said to have been killed. What then became of the charters? William of Malmesbury says that they were afterwards 'collected from all quarters.'

[1] Birch, iii. 49.

So of course he was told at Chertsey to explain an obvious difficulty.

Shortly after the beginning of the Norman conquest Chertsey suffered again, but how exactly is not recorded. The registers, however, say—

> Istis autem temporibus destructum iterum fuit monasterium S. Petri de Certesy, res, villulæ, omnes eius possessiones paene ablatae sunt, ita ut vix remanserit hoc parvum quod modo habitatores praedicti monasterii possident, videlicet ut Certes, Thorp, Egeham, Chabeham, et Fremeleya in Hundredo de Godeley; et ultra Waie, Coveham, Ebesham, Piterichesham, Sutton, Culesdune, et terra de Horneleya, Bucham, Clendune, Esse et Waltham.[1]

'Hoc parvum' is fairly large after all. They vindicated their title to this, and more, in 1086. But the monastic buildings seem to have been destroyed, with renewed danger to any ancient charters. Abbot Hugh rebuilt the house and church in 1110.[2] I am not primarily concerned with the Chertsey charters; but I wish to suggest that if fabricated documents were brought against them later, their own house was rather too fragile to justify much throwing of stones on their part. I am inclined to believe that the Chertsey charters were mostly composed in preparation for the Domesday Survey, and re-edited in the thirteenth century, when Alexander IV promulgated a bull confirming their titles. In the Cottonian MS., which contains the early charters, is a short record of English kings, ending with the burial of John. The thirteenth century is again clearly the date of its composition.

No exception, however, is to be taken to the grant under which they claimed Cardigan, though the actual charter is not to be found, only the *inspeximus* of it in the Patent Rolls, and the reference in Bulls of Alexander III and IV quoted in the registers.[3] By it Rhys ap Gruffydd, prince of South Wales, granted to them the church of Cardigan, the

[1] Cott. MSS. Vitell. A. xiii. f. 46. [2] *A. S. Chron.* sub ann. 1110.
[3] Cott. MSS. Vitell. A. xiii. ff. 72–5.

chapel of St. Peter in the Castle, at Cardigan, the chapel of St. Petroc at Berwyck, which was close to Cardigan, the chapel or church of the Holy Trinity in the place called Lando,[1] and the church of St. Michael of Tremaen, Cardiganshire. Certain land, and tithes of mills and of fisheries, and other tithes, are also granted, and liberty to the men from secular service of court, so that they need not answer except before the courts of Holy Church. The grant was confirmed by Alexander III in the twelfth century, and by Alexander IV in the thirteenth. A small piece of evidence in favour of the authenticity of the charter, if needed, is that it is witnessed by Walter, abbot of Kemeys, which I take to be the monastery usually called St. Dogmael's in the district called Kemeys or Cemmes close to Cardigan, and not likely to be so called except by a person with local knowledge.[2] The date must be after 1165.

The giver of the charter, Rhys ap Gruffydd, is an eminent figure in South Welsh history. Most of South Wales had been conquered by Norman barons, not by the king, in the times of William Rufus and of Henry I. Its conquest is a sort of prelude to that of the conquest of Ireland, whose conquerors were members of the Norman South Welsh families. As in Ireland conquerors and conquered freely intermarried, took up each other's family feuds, and sufficiently illustrated the draw-backs of baronial independence. The family of Clare were among the leading conquerors.

A little while after the death of Rhys ap Tewdwr, whom the English kings had recognised as a feudatory prince in South Wales, Cardigan was granted to Gilbert son of Richard de Clare, who conquered the country in 1111, and built castles, among others Cardigan, at the place called before Aberteifi, or

[1] Mrs. Pritchard of Cardigan Priory has identified this as the chapel of the Holy Trinity, Llandwr, close to Cardigan, now partly existing in fabric as a cottage.

[2] In Harleian MS. 1249, f. 214, is a grant by Bernard, bishop of St. David's, *Ecclesiae B.V.M. Abbatiae de Camays*, which seems to mean St. Dogmael's. This description of it does not seem to occur after the twelfth century.

Dingeraint. He died in 1116. During the remainder of Henry's reign his son Richard was lord of Cardigan and of much besides in South Wales. As soon as Stephen's reign began the Welsh rose against the Norman conquerors. Richard son of Gilbert was surprised and killed by the Welsh on April 15, 1136. He had, perhaps, been created earl of Hertford by Stephen in the same year. Immediately afterwards the North Welsh princes, Owain and Cadwaladr, invaded and conquered all Cardigan, except Cardigan Castle itself, which was stoutly held for a long time. Gilbert the second son of Richard de Clare did not possess Cardigan at all, except that the castle, isolated, and cut off from English succour, was still held in his name.[1] This Gilbert son of Richard was created earl of Hertford in 1139 or 1141. He died in 1152. Just before he died Rhys ap Gruffydd and his brothers conquered Cardigan from the North Welsh princes, and Rhys became a mighty champion of Welsh independence. In 1158, however, overawed by the great forces of Henry II, he submitted, and retaining some of his territories, Cantref Mawr, gave up Cardigan to Roger de Clare, the brother and successor of Gilbert II, who in that year came into Wales for the first time. Rhys was in arms again, though, in 1159 to 1162. Again he submitted, retaining Cantref Mawr, only to break out once more in 1163. In 1164 Henry's great expedition to Mid-Wales failed in the Berwyn mountains. The quarrel with Becket had begun, the king was no longer at the head of an united realm, and practically abandoned the attempt to conquer Wales. Then, in 1165, Cardigan Castle itself fell into the hands of Rhys. Between that date and 1197, when he died, Rhys gave or confirmed Cardigan Priory to Chertsey. It is pertinent to the authenticity of certain Gloucester charters, which we shall notice presently, that Rhys captured Cardigan for good in 1165, and kept it till long after Roger de Clare's death in 1173. Rhys was practically independent till the great rebellion against

[1] 'Gilbert never held Cardigan.'—Round, *Geoffrey de Mandeville*, p. 271.

Henry II in 1173, when he judiciously threw in his lot with the king, and, though he did homage, and on one occasion had to accompany Henry with Welsh soldiers to Normandy, he secured thereby the enjoyment of the lands which he had reconquered. He had become more important by this time, and worth conciliating, because of the conquest of Ireland and his position on the flank of the communications. He appears in peaceful possession of Cardigan in 1188, when he entertained there Archbishop Baldwin who was preaching the crusade.[1] He quarrelled with Richard I, who insulted his dignity by not stopping at Oxford to receive his homage; he seems never to have done homage to him. Immediately on the death of Henry II he had taken up arms against his Norman neighbours, and while Richard was away on the crusade he was continually fighting, and he died an old man in 1197, very much his own master in South Wales except for trouble with his own sons.

The successive lordships of Cardigan by the Clares and by Rhys must be borne in mind when we consider the controversy which arose about the rights of Chertsey which were disputed by Gloucester. Chertsey's possession had been confirmed by bulls of Alexander III and Alexander IV,[2] but the abbey became uneasy apparently in the fourteenth century. An *inspeximus* of their charter was granted by Edward the Black Prince, as Prince of Wales, in 1349 and again in 1359; by Richard II in 1382; by Henry V, as Prince of Wales, in 1407; by Henry VI in 1424[3] and again by Henry VI in 1428.[4] These last two rehearse the confirmations of the previous century and of 1407. There is no reference to any counter claim by Gloucester, but to a complaint of the Prior of Cardigan that the men of the convent are compelled to do suit and service at the secular courts, contrary to the terms of the grant. Clearly, however, Gloucester was stirring in the background. A contention had also arisen about the

[1] Girald. Cambr., *Itin. in Wales*, c. ii. 5.
[2] Cott. MSS. Vitell. A. iii. ff. 72, 74, 75.
[3] P.R. 3 H. VI pt. i. m. 14.
[4] *Ibid.* m. 17.

tithes of Cardigan, and the other churches, of which we get a glimpse between 1433 and 1442. The date is so far fixed because it was while John of Hermondsworth was abbot of Chertsey (1419–1458), and Thomas of Rodeburn bishop of St. David's (1433–1442). The abbot petitioned the bishop to enquire into the rights of his house, much discord having arisen, and appealed to the grant by Rhys, which had been made to quiet all such discord, an expression suggesting that at the time of Rhys's grant some one, probably Gloucester, had been disputing the rights of Chertsey. The abbot appointed proctors to represent him before the bishop, John Barnet, prior '*modernae ecclesiae sive cellae*' of Cardigan, also called *rector modernae parochialis ecclesiae*, and John Panter and John Thornebury, afterwards prior of Cardigan, brethren of Chertsey. Though the prior of Cardigan was rector it appears that the parish church and the other churches and chapels were served by secular chaplains.[1] Unfortunately the episcopal registers of St. David's are imperfect at this time, and the upshot of the matter cannot be discovered.[2] But if we turn to the Gloucester documents it is plainly to be seen that Gloucester is the opposing party.

There was another church in Cardiganshire, Llanbadarn Fawr, the church of St. Paternus the Great, which may be allowed to have been granted to St. Peter's, Gloucester, by Gilbert de Clare I on his first conquest of Cardigan.[3] Gloucester showed the charter of grant, with a confirmation by Richard the son of Gilbert, and subsequent confirmations

[1] Exch. K. R. Miscell. Bks. 25 ff. 62 d. and 63.

[2] Mr. T. W. Barker, Diocesan Registrar, kindly examined the registers for me.

[3] Llanbadarn was the place where the *Brut y Tywysogion* was composed. Gloucester documents generally affirm that it was granted to them by Gilbert de Clare I, but Stephen's *inspeximus* of the Gloucester charters, in 1137–1138, says that it was granted by Richard, son of Gilbert. He had then only succeeded to his father's estates about two years or less. Is this another possible fabrication ? or a mistake ? The original Richard, son of Gilbert, who died in 1090, had not any Welsh possessions.

by David bishop of St. David's from 1147 to 1176, in one of which he records that 'in the time of warfare' the church had been for a space unjustly taken away from Gloucester, but had since been restored.[1] All these documents were printed by Mr. Hart in the Rolls Edition of the Gloucester Cartulary; they are in vol. II. numbered DXLVII, DXLVIII, DLIII, and DLIV respectively, and there is nothing suspicious on the face of them except a possible interpolation in DXLVII, of which more anon. But they are all late fourteenth- or fifteenth-century copies. The MSS. are in Queen's College, Oxford, no. 367, and Cott. MSS. Domit. VIII, 21, 22. Mr. Hart's opinion was that the latter was a copy of the former with small alterations. The charter numbered DLXVII belongs to 1115–1116 perhaps. For it is given by Gilbert, son of Richard, who died in 1116, and is witnessed by Bernard bishop of St. David's who became bishop in 1115. It must be in the time of the first Gilbert son of Richard, not of his grandson, also Gilbert son of Richard, for it is in the time of a king Henry, and the second Gilbert succeeded and died under Stephen. There was no Gilbert de Clare in possession under Henry II. Mr. Hart, in printing the list of donations preserved in the Gloucester registers (vol. i. p. 106), dates it in 1111—an impossible date because of Bernard. Near the end of the charter, after the grant of St. Paternus, which is given at some length, comes a brief clause *do etiam eisdem ecclesiam de Cardigan cum omnibus pertinentibus suis*. But there is nothing about Cardigan in the confirmatory charter of Richard son of Gilbert, nor in the confirmations by bishop David of St. David's. These words about Cardigan certainly look like an interpolation by the fourteenth- or fifteenth-century scribe.

The presumption of an insertion is strengthened by another unfortunate charter, which Mr. Hart printed

[1] Though in 1188 Giraldus Cambrensis found a lay-abbot there, at which he was much scandalised; so that it was not then under Gloucester. Nor was it, I believe, ever really restored to Gloucester.—*Itin. in Wales*, ii. 4.

without apparently seeing its impossible character. It is that numbered DLII. in the Gloucester cartulary. It purports to be a charter of—shall we say Henry I or Henry II? It confirms to Gloucester the church of Llanbadarn Fawr, and the church of the Holy Trinity of Cardigan, of the grant of Gilbert son of Richard de Clare, and of Richard son of Gilbert. (So far as appears otherwise there was no church of the Holy Trinity of Cardigan, unless Llando be meant. The church held by Chertsey was St. Mary's.) The king Henry of this charter is duke of Aquitaine and count of Anjou, and his witness is Richard, archdeacon of Poitiers, that is Richard of Ilchester, afterwards bishop of Winchester, who was archdeacon of Poitiers 1163–1172. So far Henry II holds the field; but unfortunately the charter is addressed *venerabili viro Bernardo Sancti David episcopo*, who had died in 1148 when Henry II was fifteen, six years before he became king, three years before he inherited Anjou, four years before he obtained Aquitaine by marriage. Mr. Hart should have seen through this. He actually does seem to ascribe the charter to Henry I, in spite of Anjou and Aquitaine, for he dates it 1115–1148, the limits of Bernard's episcopate. He had better have dated it 'somewhere about 1400.'

In the muniment room of Gloucester Cathedral are other documents. Canon Bazeley, of Gloucester, has kindly confirmed the transcripts of these for me. They are in the Register of Abbot Walter Froucestre, who became abbot in 1382 and died in 1412. In his time the Gloucester registers, and I think we may add the charters, were rewritten. '*In registris de novo factis in tempore domini Walteri Froucestre Abbatis.*'[1] He has the credit of completing the beautiful Gloucester cloisters; and he despatched an emissary to the Pope on business concerning the possessions of the abbey. Did that business include a claim to Cardigan?

[1] Hart, i. 50.

The first of these documents is a grant of the church of Cardigan to St. Peter's, Gloucester, by Gilbert earl of Hereford. No Clare was ever earl of Hereford. Gilbert, son of Richard who granted Llanbadarn Fawr—and according to Hart's charter, no. DXLVII Cardigan—to Gloucester, died in 1116, and the first Gilbert de Clare, who became earl, not of Hereford, but of Hertford, became earl in 1139 or 1141. Besides the confusion between Hereford and Hertford, which may, of course, be a mere copyist's blunder, there is obvious confusion between Gilbert I and his grandson Gilbert II.

The next document is a confirmation by bishop Bernard of the grant of the church of Cardigan to Gloucester, by Gilbert son of Richard. Both Gilbert I and Gilbert II were sons of Richard. But Mr. Hart's charter DXLVI ascribes the grant to Gilbert I, the grant in the registers, just quoted, ascribes it to Gilbert II, if earl of Hereford means earl of Hertford. The third document is a charter of Roger de Clare, earl of Hereford (which should of course be Hertford), addressed to T. archbishop and legate. This is Theobald, not Thomas, who was not legate, and with whom Roger de Clare had a violent quarrel immediately after the raising of the latter to the archbishopric in 1162. Theobald was legate from 1150 to his death in 1161. In this Roger is made to say that the Chertsey monks told him, before he came into Wales—that is to say before 1158—that they were rightly possessed of the church of the Holy Trinity, Cardigan, but that since then he had been shown deeds of gift and confirmation by his brother and his ancestors to Gloucester, and that consequently he, by this charter, confirmed Cardigan to Gloucester. Now Roger was not in effective possession of Cardigan after 1165 at the latest, and Rhys must have given it to the monks of Chertsey after Roger had lost it. Either, therefore, this is concoction, or else the monks of Chertsey had some claim upon Cardigan, from the Clares, before Rhys gave it to them. Then there is a letter from T. (Theobald) archbishop, to David

bishop of St. David's, warning him that the monks of Chertsey imposed upon Roger earl of Hereford, and that Roger, after seeing his brother's deed of gift—the confusion between Gilbert I and Gilbert II being still continued—had made restitution to Gloucester. Therefore, bishop David is to reinstate the Gloucester monks in the church of Cardigan. Theobald adds that he has seen the *authentic* charter of confirmation by king Henry ; in which case he did not see the charter printed by Mr. Hart. The unlucky compiler of the document has here made another slip. For the pretended charter of Henry II, being witnessed by Richard Archdeacon of Poitiers, would have belonged, if genuine, to 1163, or later, the date when Richard became archdeacon, while Theobald himself was dead in 1161. Neither was Gloucester reinstated, for Alexander III, who became pope in 1159, confirmed Chertsey in possession.[1]

It is not very wonderful that the monks of Gloucester forged documents, though they were wonderfully bad forgers.[2] But if their story had not been backed up by such obvious fabrications, testimony fit to ruin any case, there seems to be some probability in it. What the Gloucester monks seem to wish to establish is that they were the rightful owners of Cardigan, Llanbadarn Fawr, and the rest of the churches, chapels and tithes ; that Chertsey put in an impudent claim to them all, and got them all ' in the time of warfare,'—that is when Rhys was driving out the Normans from Cardigan—pretending some old grant from the Clares, for a time imposing upon Roger de Clare, and that Rhys backed them up. Rhys might very well prefer to see the churches in his country in the hands of a powerful but far distant English house, rather than in the hands of a frontier house like Gloucester, whose sympathies, like those of all Marchers, would be sure to be very strongly excited on the

[1] Cott. MSS. Vitell. A. xiii. f. 72.

[2] Cf. Hall, Formula Bk. pt. i. pp. 18, 23, for a charter of Henry I in the style of Henry III by this church.

English side. Gloucester had, perhaps for a time, recovered Llanbadarn Fawr, and wished to show that they were wronged in not having recovered the rest. Our judgment must go against Gloucester because their evidence is so obviously tainted with falsehood. But it does not follow that there may not be a good deal of truth in their story. I think it possible that the statement that Roger de Clare was confronted by a claim of Chertsey to Cardigan, before Rhys's charter, is likely enough to be true, though later on Chertsey did not go behind Rhys's charter in asserting their claim. Why should Rhys have thought of Chertsey monks, of all people, if not already upon the spot in his time? It was a far cry in those days from South Wales to Surrey. That some early Clare should have endowed Chertsey is much more likely. As Chertsey was the largest ecclesiastical landholder in Surrey, the Clares were the largest layholders in the same county. Their Surrey manors lay next door to Chertsey manors, and they must have been constantly familiar with the house. If, indeed, Hugh de Puiset was abbot of Chertsey about 1145, Gilbert II may have been ready to grant anything to a man of such powerful connexions, and a distant relative of his own. But Gilbert II was not actually in possession of Cardigan, and the relationship is distant. More pertinent and more forcible than this distant connexion is the consideration of the general practice of the Norman conquerors. Everywhere, in South Wales as in their other spheres of action, the monastery sprung up under their hands beside the castle. During the first era of conquest many Welsh churches became cells of French or English houses. Chepstow became a cell of Carmeilles, Abergavenny of St. Vincent of Le Maur, Monmouth of St. Florent de Saumur, Basaleg of Glastonbury, St. Dogmael's of St. Saviour of Tiron (it became an abbey later), Llanbadarn Fawr of Gloucester, Kidwelly of Sherborne, Carmarthen of Battle Abbey.[1] This is as distant a connexion

[1] J. E. Lloyd, *Hist. of Wales*, pp. 431 *sqq.*

as that of Cardigan and Chertsey. That the endowment of Chertsey with these distant churches should be the act of their neighbours during the first conquest, rather than of the South Welsh prince, is a reasonable supposition. In that case Rhys's charter is only a confirmation; though I wonder if Chertsey had lost a previous charter by a Clare that they did not invent a new one. If this supposition be correct it does not prove that Gloucester was justified in impugning the early title of Chertsey. The question between the two abbeys is a curious one.

Chertsey, at all events, kept Cardigan, Alexander III and Alexander IV supported them, the Welsh prince and the English Princes of Wales, and the English crown supported their right. If their right was not well founded how came they, of all out of the way places, to claim Cardigan at all? Their continued occupancy, till 1538, is in their favour. *Magna est veritas et praevalebit.* But there was a good deal of forgery somewhere. When Sir Walter Scott made 'Marmion,' which was intended to be a mediæval story, turn upon a forgery, his friend Dr. Leyden wrote him a furious remonstrance against the impropriety of introducing such a motive into a tale of knighthood. A wider experience of mediæval habits would have mitigated his objections, and a consideration of the Gloucester cartulary and registers most certainly leads to the conclusion that no writer need fear for the propriety of the introduction of a mediæval forger into a story, so long as he represents him as a sufficiently clumsy one.

In conclusion I should like to acknowledge my indebtedness to Mrs. Pritchard, authoress of 'Cardigan Priory in the Olden Time,' who has kindly placed much local knowledge at my disposal. This lady failed to recognise the difficulties and serious falsifications of the Gloucester documents, but this paper was suggested partly by the perusal of her book for review, and partly by investigations into the history of Chertsey Abbey by me while engaged upon the 'Victoria County History of Surrey.'

Bishops of St. Davids	Family of Clare	Events
	Richard de Clare died 1088–90	
Bp. Bernard, 1115–1148.	Gilbert de Clare died 1116	Cardigan granted to the Clares, 1110.
		Cardigan Castle built by Gilbert, 1111.
	Richard de Clare Earl of Hertford, 1136 died 1136	Conquest of Cardigan by North Welsh, 1136.
		Conquest by Rhys ap Gruffydd, 1150–51.
		Rhys submitted to Henry II, 1158. Cardigan restored to Roger de Clare.
Bp. David, 1148–1176	Gilbert de Clare Earl of Hertford 1138 or 1141 died 1152 / Roger de Clare Earl of Hertford died 1173	Cardigan again conquered by Rhys, 1165.
		Rhys confirmed in possession of Cardigan by Henry II, 1173.

THE RELATIONS BETWEEN ENGLAND AND THE NORTHERN POWERS, 1689–1697.

PART I.—DENMARK.

By Miss M. LANE, M.A.

Read June 15, 1911

I.—The Position and Policy of Denmark.

A notable feature of Baltic politics at the close of the seventeenth century was the rivalry of Sweden and Denmark, which had fought with each other during several centuries for supremacy, or even for existence. To the permanence and strength of this feeling, and its importance in the politics of the North, contemporary and modern authorities, the correspondence of Louis XIV and William III and their ministers, with Ranke, Bain, and the 'Cambridge Modern History,' equally bear witness. At this period, however, Denmark hankered after an alliance with Sweden, of course on her own terms. The explanation is that Denmark was a more purely Baltic Power than Sweden; If there had been peace in the Baltic, Denmark could have become powerful and wealthy; but her ministers, themselves wretchedly poor, were actuated by mercenary motives. Hence the dangerous policy of fleecing the merchants who passed the Oresund. Unfortunately, the refusal of Sweden to come to terms with her rival made it possible for the English and Dutch, especially the latter, to maintain a balance of power in the Baltic, and thus diminish Denmark's gains. Griffenfeld, who has been regarded[1] as Denmark's greatest statesman, had seen how beneficial

[1] R. N. Bain, *Scandinavia.*

an alliance with Sweden, with the Duchy of Holstein-Gottorp (whose efforts against Danish absorption were vigorously supported by Sweden) and France, the rival of the Sea Powers, would be to Denmark, provided she, and not Sweden, manipulated the policy of the league for her own benefit.

After Griffenfeld's fall Christian V still pursued this scheme with as much earnestness as his weak and vain character allowed.[1] His plan at this time was to marry his eldest son to Hedwig Sophia, eldest daughter of the King of Sweden, and heir to the throne after the delicate boy who was to become Charles XII. If he succeeded he would gratify a private enmity; for the girl was promised to the son of the Duke of Holstein-Gottorp, Christian's brother-in-law and mortal enemy. About a century before[2] Christian III, who then held the duchies of Schleswig and Holstein, had granted a *condominium* in them to his brother. Since that time brotherly love had died out and cousinly jealousy increased. The King, as the stronger party, was continually trying to deprive the Duke of his sovereignty and to turn him into a dependent vassal. The Duke was supported, for their own ends, by the provincial nobility and by Sweden. This alliance, and, above all, the possibility of the Duke becoming King of Sweden, kept Denmark, and by consequence Germany, in a state of ferment. Unfortunately for Denmark, Sweden's hatred of her was too great to permit of any alliance, even if the latter had thought it to her interest.

With regard to the Grand Alliance, both Powers, as members of the Empire (Sweden held Pomerania), were engaged to it; but in their far more important position as crowned heads they were not pledged. A careful survey of the original records does not reveal any Danish policy worthy of the name. The Danish ministers were swayed

[1] *Cambridge Modern History*, vol. v. chap. 18.
[2] Bain, *Scandinavia*.

by a number of conflicting feelings, but, so far as they had a predominant passion, it was a love of bribes and a desire to join the winning party and to share the booty. The reason is to be found in domestic affairs.[1] In 1660 the King had united with the down-trodden peasants and burghers to change his very limited into an absolute monarchy, and had crushed the noble obligarchy as it had crushed the lower orders. The consequence was a want of national spirit and great poverty. Nor was Christian V the man to make the deficiencies good, for his chief characteristic was an overweening pride in the fact of his being the first hereditary King of Denmark, whilst to support his position he ground down his people by taxes to maintain an army which made all his neighbours uneasy. Christian had an ardent admiration for France as the beau-ideal of autocracies. He disliked the Dutch as Republicans; nor did he love the Revolution in England, though he was reconciled to it in some measure by the advancement of his brother George—Anne's husband. The alliance of the Sea Powers was odious to him. He sought an alliance with France in order to balance the power of the Emperor (always an object of jealousy to the Germanic princes), as well as that of the Maritime Powers. His ministers, poor, and the more greedy because of the uncertainty of their position in an autocracy, pined for the golden stream of pensions and presents which rumour represented as flowing from Versailles into the hands of those willing and able to serve Louis XIV, though the amounts spent by him in this way were probably much exaggerated if we judge from M. Pagès' account of Germany.[2] On the other hand, sensitiveness to European public opinion and a desire to conciliate the Emperor inclined Christian to the alliance, while his ministers, mindful of the wealth of the

[1] Molesworth's *Denmark* and *Cambridge Modern History*, vol. v. chap. 18.

[2] *Contributions à l'histoire de la politique française, etc.* G. Pagès.

Maritime Powers, were quite ready to take money from both sides. 'This is an extreme poor country and gold is omnipotent. . . . I know not why guinneys should not be better than louis d'or.'[1] The equality between the two parties throughout the war is the fact that makes the relations of England and Denmark so complicated; treaties are begun and seem in a hopeful way until the fear of compromising herself too deeply causes the warmth of Danish friendship suddenly to cool. The consequence of this conduct, which had long characterised Denmark, was to disgust William completely; nor was Louis much more tolerant. The weakness and corruption of Denmark lost Christian that consideration for which he pined, and turned the scale in favour of Sweden.

II.—The Relations between Denmark and England, 1689–1693.

Denmark[2] was willing enough to make an alliance with the Maritime Powers after the Revolution. The latter were also eager for it, but were kept back by two considerations:[3] the Emperor had no money to subsidise Denmark, and if Denmark joined the Allies Sweden would at once join France.[4] The Dutch also had private objections, for Denmark had money claims on them which they were not ready to satisfy, as they would be obliged to do if a treaty were made.

But, though an alliance was not possible, the Treaty of Altona[5] and the moderation of Sweden, which shut the

[1] *S.P.F., Denmark*, 22. Molesworth to Warre, July 13, 1698.

[2] *Ibid.*, Heemskirk to William, $\frac{\text{July } 26}{\text{Aug. } 3}$, 1689. Ranke, vol. vi. pp. 10, 11.

[3] *S.P.F., Holland*, 222, Dursley to Nottingham, $\frac{\text{March } 28}{\text{April } 7}$, 1690.

[4] *Ibid.*, January $\frac{21}{31}$, $16\frac{89}{90}$.

[5] *S.P.F., Sweden*, 13, Duncombe to Nottingham, August 3 and 7, 1689.

French out of the Baltic by a defensive league with Denmark, set free the Danish troops, and William was eager to hire 7000 of them for service in Ireland. Troops were urgently needed, and the arrangement would in some sort bind the Danes to England. The melancholy Molesworth was despatched as ambassador, and found the Danes ready to take English money but too vain (see d'Avaux's description [1] of them: '*Une vanité insupportable, caractère inséparable des Danois*), greedy and small-minded to have any steady European policy, or to appreciate the efforts of the Allies. He obtained the troops at last [2] (Molesworth to Warre, August 16 and 17, 1689),[3] but at a higher price than pleased William, or than the Danes really hoped to get. 'These are heavy conditions, which I accepted solely for the general good,' the King wrote to Heinsius, September $\frac{3}{13}$, 1689.[4] Even then the French faction, in accordance with their promise to France,[5] tried to cheat the envoy by taking the subsidies and refusing [6] to send the troops, and, when that device failed, by transporting the troops [7] so wretchedly as to call forth a protest from the English agent. 'If His Majesty or My Lord Nottingham could but comprehend the troubles and pains I am at, they would rather pity than blame me,' wrote the harassed ambassador.

There is, preserved among the 'Foreign State Papers' of the year 1689,[8] an interesting memorial, containing a proposition to lend £10,000 to the Duke of Holstein-Gottorp as a mortgage on Heligoland, which would then soon become English, for the Duke could never repay the debt. The writer urged that a garrison of fifty soldiers would be

[1] *Négociations en Suède*, ii. p. 223.

[2] *Luttrell's Diary*, September 20, 30, and November 7, 1689, and *S.P.F., Denmark*, 22, Molesworth to Warre, August 16, 17, and September 3, 1689.

[3] *S.P.F., Sweden*, 13, September 14, 1689, Duncombe to Nottingham.

[4] *Add. MSS.* 34504, vol. i. f. 13.

[5] *S.P.F., Sweden*, 13, September 4, 1689.

[6] *S.P.F., Denmark*, 22, October 13, 1689.

[7] *Ibid.*, October 22, 30, 1689.

[8] *Ibid.*

ample; that the island would make a splendid station; and also that it commanded the mouth of the Elbe, the country round which furnished naval stores when the Baltic was closed. The project was never taken up,[1] for the Duke found he could not sell it without Denmark's consent.

Since Denmark drew most of her revenue from the Sound dues, and since she objected to the alliance of the Maritime Powers even more than did Sweden, she took the lead in opposing the prohibition of trade between France and the rest of Europe proposed by England and Holland.[2] Indeed, as Molesworth pointed out to Warre, the refusal of Parliament to relax the Navigation Act, reinforced by the prohibition, was very burdensome; 'it is very hard neither to trade with them ourselves nor suffer them to trade with France.'[3] As early as February $\frac{11}{21}$, 1689, Denmark was defying the Dutch, whom she ever hated, and pressing them for passports to trade with France freely, with the veiled threat to do so in any case and retaliate for arrests of Danish vessels on the ships of the nation which made them.

England therefore[4] tried to obtain a treaty of commerce in 1690 with Denmark. It was delayed by the former's 'stiffness' in money matters.[5] The Danes resented this but, like the Swedes and the Hansards, waited to see how the Allies fared before declaring themselves.[6] At first they were content with asking for an interim relaxation of the Navigation Act, to allow Dutch and Swedish ships to carry Danish goods. But as their impatience grew they sent out their fleets,[7] nominally to England and Holland,

[1] *S.P.F., Hamburgh*, 17, January 7, $16\frac{89}{90}$, No. 51.
[2] *S.P.F., Denmark*, 22, May 24, 1689.
[3] *S.P.F., Holland*, 222, Dursley to Nottingham.
[4] *S.P.F., Denmark*, 22, Greg to Warre, July 5, 1690.
[5] *Ibid.*, Molesworth to Warre, March 8, $16\frac{89}{90}$.
[6] *Ibid.*, Greg to Warre, March 11, $16\frac{89}{90}$.
[7] *Ibid.*, March 29, 1690.

and furnished with passports from those countries; but it was strongly suspected that they would go to France instead if the English lost Ireland. At last Christian issued a proclamation ordering the convoys to be strengthened,[1] and almost tantamount to a declaration of war with the Dutch. Nevertheless, both this and the mutual protection given by the Danish and Swedish ships to each other's merchantmen were taken by the English envoy, Greg, to be merely devices to secure better terms from England. Great, therefore, was the consternation of the Maritime Powers when the defeat of Beachy Head showed their inability to enforce the prohibition.[2] Molesworth and the Dutch envoy dared not show their faces in a Court 'which we hectored in relation to the French commerce, notwithstanding our weakness at sea, which I all along knew.'

Both Sweden and Denmark, but especially the latter,[3] aggravated their unfriendly conduct by countenancing the Hanse towns in their attempts to evade the publication of the Imperial *avocatoria*, or prohibition against the trade with France. The Hanse merchants were greedy and selfish; the Emperor would do nothing to weaken his influence in the Imperial towns; the German princes wanted their French luxuries; and Denmark was eager to encourage conduct which must leave her Hamburg's only protector.[4] All these potentates favoured the loud complaints of the Hanse against the Sea Powers on the arrest of their ships; and the Emperor supinely allowed them to delay the publication of the *avocatoria* twice. But William did not intend that the Hanse burghers should fatten on the trade which the English and Dutch denied themselves, and was vehemently angry at this interference. The Hamburgers, seeing they would not be

[1] *S.P.F., Denmark*, June 28.

[2] *Ibid.*, July 22, 1690.

[3] See *S.P.F., Hamburgh and Hanse Towns*, 17, *passim.*

[4] *S.P.F., Holland*, 222, $\frac{\text{April } 22}{\text{May } 2}$, 1690, Dursley to Nottingham.

allowed to nullify the prohibition by their neutrality, reluctantly[1] published the *avocatoria*, and prevailed on the French agent to depart, after obtaining from Louis, whom they feared, a recognition of their good intentions.

But, unfortunately for the prohibition, Hamburg was torn by the factions of the Senate and burghers, or oligarchy and democracy. The burghers were resolved on trade with France, whatever happened, and wished to enjoy it under Denmark's protection,[2] for 'they say there is no other way for them to live and trade.' The Senate saw the danger to their independence, but was too weak and corrupt to resist. Consequently the Elbe became the centre of an enormous trade with France, largely contraband. 'The French are sensible that the greatest quantities of powder and maritime provisions which they receive come all by the Elbe, on ships borrowed from Hamburg, under Danish colours and with Danish passes.'[3]

The Hamburgers might well choose the Danes as their protectors, since the latter were doing with enormous success what their protégés hoped to do. Well may their historian, Allen,[4] call the reign of Christian V the golden period of Danish commerce! He ascribes this to the preservation of their neutrality; but the fact is that it was largely due to their success in 'colouring' other people's goods. Anyone who wished to trade with France under the cover of a neutral flag could lade in Danish bottoms, obtain Danish passes, and sail under Danish convoy, and no questions were asked so long as the money was paid. Nor were the Danes too scrupulous about carrying contraband. Hence came a golden time for Denmark, though most of the profit went to the King and the officials; and hence, also, much moral indignation when the Maritime Powers tried to stop the trade, or coyness when they wished

[1] *S.P.F., Hamburgh*, 17, No. 121, May 23, 1690, Rycaut to Nottingham.
[2] *Ibid.*, 18, No. 6, March 29, 1692.
[3] *Ibid.*, No. 249, June 5, 1691.
[4] *Histoire de Danemark*, vol. ii. p. 128.

to regulate it. Here are two descriptions of the Danish trade: Robinson[1] wrote to Blathwayt: '(Denmark) 'tis notoriously known, hath neither ships, nor Goods, nor Capital, wherewith honestly to drive that Trade, to which it now pretends, and which . . . is a perfect Lorendragery,' i.e. contraband. Again, a Swedish minister told him[2] that the Swedish trade should be purer than that of Denmark, 'where it was manifest that even the greatest ministers, as well as others, were guilty of collusion and very irregular dealings.'

However, the Battle of the Boyne, and the good recovery of the Allies after the defeats of Beachy Head and Fleurus, and also the coolness between them and Sweden,[3] made the Danes still ready to listen to proposals of treaties. On July $\frac{18}{28}$, 1689, Dursley[4] wrote to Nottingham that he hoped that if Denmark would not join the Grand Alliance it would at least make a defensive and offensive treaty with the States-General, inclusive of England, and recommended that an 'acceptable project' should be drawn up by the Maritime Powers.[5] 'The chief difficulty of the league (between Denmark and the Grand Alliance) will consist in the point of money,' wrote Dursley on $\frac{\text{July } 24}{\text{August } 4}$ 1690. The Emperor had no money for a subsidy, and the toll on the Elbe which Denmark desired, and would have taken in its place, was a very delicate matter. The fact was that the King of Denmark had long coveted the suzerainty of the great free city of Hamburg,[6] to which he had in truth some claims. Any advance by the King of Denmark in this direction of course aroused the fierce jealousy of his neighbours, who all coveted Hamburg also; especially of the House of Luneburg, which was favoured

[1] *Add. MSS.* 35105, f. 25, February 22, $169\frac{2}{3}$.

[2] *S.P.F., Sweden*, 14, February 23, $169\frac{4}{5}$.

[3] *S.P.F., Denmark*, 22, Greg to Warre, August 9, 1690.

[4] *S.P.F., Holland*, 222.

[5] *Ibid.*

[6] *S.P.F., Denmark*, 24, Greg to Williamson, January $\frac{1}{11}$, $169\frac{7}{8}$.

by the Senate, or oligarchical faction, as the King was by the burgher party. The toll on the Elbe,[1] to be levied on ships passing up and down that river at Gluckstadt, a Danish city below Hamburg, was not only worth 100,000 guilders,[2] but put Hamburg under close control in commercial matters. The Emperor always posed as the protector of the free Imperial cities, and had no motive to offend all the princes and cities of North Germany in order to aggrandise Denmark. So, though he promised to try to reconcile the North German princes to the toll, he was not very zealous. The English envoys at the Hague and Copenhagen,[3] who thought only of the danger of losing a new ally 'when we have her suer,' and ascribed the resistance of the Hamburghers to the natural selfishness of merchants, promised William's all-powerful intercession with the Emperor for the toll. But William, as the head of the Alliance, shared the Emperor's feelings, and did not think a treaty with Denmark worth the price. In spite, then, of the repeated requests from Denmark and the English ambassador at Copenhagen, Lord Paget at Vienna still continued to oppose the toll; and Dursley [4] placated the House of Luneburg with this news.

At the same time the growing coolness and obstinate delays of Sweden over the treaty of commerce,[5] culminating in her offer of mediation between France and the Allies, made an understanding between Denmark and the Maritime Powers very desirable. 'We ought to make much of Denmark and quicken our alliance with them,' wrote Dursley.[6] The proposals for a treaty of commerce seem to have been offered at first to both the northern crowns, but when Sweden's offer of mediation aroused fears of dalliance with France,[7] Denmark

[1] *S.P.F., Holland*, 222, $\frac{\text{July } 24}{\text{August } 4}$.
[2] *S.P.F., Denmark*, 22, Molesworth to Warre, August 12, 1690.
[3] *S.P.F., Holland*, 222, Dursley to Nottingham, August $\frac{5}{15}$, 1690.
[4] *Ibid.*, September $\frac{9}{19}$, 1690.
[5] *Ibid.*, $\frac{\text{August } 22}{\text{September } 1}$, 1690.
[6] *Ibid.*, October $\frac{7}{17}$, 1690.
[7] *Ibid.*, October $\frac{11}{21}$, 1690.

formulated demands of her own. As to the defensive treaty, Denmark asked for[1] (1) the restitution of all her ships taken by the Dutch, (2) satisfaction from the States-General, and (3) permission for fifty ships to trade with France,[2] each making more than one voyage a year. This meant that the trade with France would be larger than ever. The chief difficulty lay in the restitution of ships, since many of those taken had false bills of lading. However, if the States-General restored the rest, it was hoped that Denmark would lower her other demands.

As for the negotiations for a close alliance and an offensive treaty with the Maritime Powers[3] Denmark at first offered 4000 troops to the Emperor, but the Maritime Powers preferred to hire 12,000 men. Finally, Denmark made three points: the Sea Powers were (1) to support the Danish King's request for satisfaction from the Empire *re* the Elbe toll, etc.; (2) to employ the Danish troops in Flanders instead of in Ireland; and (3) to prepare a positive statement of their proposals for a treaty with Denmark. These terms were not very pleasing.[4] The Dutch therefore did not share Molesworth's eagerness for a conclusion of the defensive treaty on Danish terms, and were relieved to hear that the Danes were more likely to send troops than to join the Alliance.[5]

Meanwhile the irritation over the trade with France grew. There was a large open contraband trade with that country,[6] and the English could only stand and look on at the preparations, since they might not attack the French in neutral ports. The Danes complained loudly of the arrests of their ships by the English and

[1] *S.P.F., Denmark*, 22, Memoranda of February 20, 21, $169\frac{0}{1}$.

[2] *S.P.F., Holland*, 222, Dursley to Nottingham, November $\frac{11}{21}$, 1690.

[3] *Luttrell's Diary*, October 14, 1690, mentions an offer of more troops and an alliance by the Danes to William III.

[4] *S.P.F., Holland*, 222, Dursley to Nottingham, December $\frac{9}{19}$, 1690.

[5] *Ibid.*, $\frac{\text{December } 23}{\text{January } 2}$ $169\frac{0}{1}$.

[6] *S.P.F., Denmark*, 22, Greg to Warre, October 28, 1690.

Dutch,[1] and took the examination of their passports as a great insult, probably because they were often incorrect or out of date. Nor were they soothed by the answer of one English captain, that he was in the service of the King of England and 'did not care a bit' for other powers. Christian's dignity, a very sensitive quality, was also sorely hurt by the refusal of the English ships to salute the fortress of Cronberg because the garrison would not return them gun for gun, but only three.[2] After much trouble on both sides the English envoy succeeded in persuading the English ships to fire three guns, and three only, and thus keep an equality.

The troubles over the prohibition caused the negotiations to fail. The Danes became more hostile as Sweden came nearer to the Allies after the differences over the mediation had been disposed of. On January 5, 1691,[3] we find Dursley telling Nottingham that he and the Spanish and Imperial ministers had remonstrated in a friendly way with the Danes for taking the law into their own hands, and forcibly detaining some Dutch ships in Danish ports in order to oblige the States to do them justice.

Worse was to come. In their anger at the action of the Sea Powers[4] Sweden and Denmark so far forgot their enmity, even more bitter of late, as to make a treaty for the protection of their commerce 'according to the laws of nations, neutrality and treaties'—an earlier 'Armed Neutrality.' This was presented to Queen Mary, then Regent, by the Danish envoy, de la Fouleresse, May 9, 1691, who at the same time assured her of the friendship of Denmark and hoped she would prevent unpleasantness by ordering her ships not to molest commerce. On June 11 he showed her the orders to the Danish and Swedish

[1] *S.P.F., Denmark*, 22, Greg to Warre, October 29, etc.

[2] *Ibid.*, October 28, 1690, and elsewhere.

[3] *S.P.F., Holland*, 222.

[4] *S.P.F., Denmark*, 22, and Allen, *Histoire de Danemark*, p. 128, and Grovestin's *Histoire des luttes et rivalités entre les puissances maritimes et la France*, vi. p. 261.

convoys not to harbour foreigners or contraband. In spite of these friendly professions, it is easy to see how very dangerous this league was to England.

The Dutch [1] hastened to ease matters by patching up a convention with Denmark, since Sweden would not come to terms. The chief object seems to have been [2] 'to limit the insolence of the privateers to neutral vessels,' for in truth the Zeeland 'capers,' i.e. privateers, had made themselves a byword for violence. So for a time the danger of an open collision with the Baltic Powers was averted.[3]

The danger certainly did not make England more conciliatory. This volume of State papers [4] has numerous memorials to the English Government in 1691 and 1692, becoming more and more violent in tone, until at last a document [5] of March 24, 1692, shows that Alefeld thoroughly offended the English Queen and government. So much did they object to his conduct and tone that he was superseded on August 8, 1692.[6] The complaints, however, did not lessen: there was a grand résumé of them in a memorial of December 1, presented to William, to inform him as to what the grievances of the Danes really were.

Their complicity in the French trade and the presence of the Danish town of Gluckstadt, lower down the Elbe ('a strong bit to this town,' Rycaut, the English envoy, called it), had put the Hamburgers under the thumb of Denmark.[7] From laying taxes on their trade with France because it was illegal, Christian advanced to offering a treaty by which the

[1] *William to Heinsius*, vol. i. f. 65, August 16, 1691.

[2] *Ibid.*, f. 60, July 5, 1691.

[3] Burnet, p. 573, and Macaulay, vol. ii. p. 368.

[4] *S.P.F., Denmark*, 23.

[5] *Ibid.* There are numerous entries in *Luttrell's Diary* of Danish, Swedish and Hamburgh ships arrested by English vessels for carrying contraband, etc., to France, *e.g.* November 26, December 13, 24, 31, 1692.

[6] *S.P.F., Denmark*, 23.

[7] *S.P.F., Hamburgh*, 18, March 6, $169\frac{1}{2}$, Rycaut to Sydney, No. 1.

Hamburgers were to acknowledge his suzerainty, his right of control over the Greenland fisheries, and were also to sail their ships under Danish colours. The Senate, of course, objected, but could have done little against the burghers had it not been for the interference[1] of the King of England, who plainly saw that this would almost wholly nullify the prohibition. Rycaut notified to the Senate that 'in case they did proceed further . . . His Majesty would resent the same, who wanted neither power nor opportunitie to make them sensible of his displeasure.'[2] Christian was, of course, highly offended, but for the time he confined himself to squeezing, instead of annexing, Hamburg.

On July $\frac{5}{15}$, 1692,[3] Dursley was commissioned to make, in concert with Heinsius, a satisfactory treaty with Denmark with regard to the commerce with 'Newters' and the toll on the Elbe. The 'Third Party' (for peace) was again active, and Sweden was leaning towards France. William,[4] therefore, earnestly wished to win over Denmark by treaties and bribes, and so weaken the 'Third Party.' Dursley's suggestions[5] were approved by Heinsius, except that he feared they might give a loop-hole of escape to the neutrals and the Dutch trading with France (for their merchants broke the prohibition), who would take as much advantage as possible of the treaty. It was to be based on the convention of 1691, but since then great trouble had arisen over the passport question. The Danes neglected the treaty of 1670,[6] and provided their ships with a passport from the Danish king only, resting merely on a general attestation that the oath not to trade with France

[1] *S.P.F., Hamburgh*, No. 5, March 25, 1692, to Nottingham.

[2] *Ibid.*, 11, April 5, 1692, to Blathwayt.

[3] *S.P.F., Holland*, 222, to Nottingham.

[4] *William to Heinsius*, November $\frac{13}{23}$, $\frac{\text{November } 26}{\text{December } 6}$, 1692, f. 104, vol. i.

[5] *S.P.F., Holland*, 222, Dursley to Nottingham, $\frac{\text{August } 23}{\text{September } 2}$, 1692.

[6] *S.P.F., Denmark*, 23, set of papers from January 6 to March 25, $169\frac{2}{3}$.

had been taken. It is no wonder, in view of the scope left for fraud, that the English Admiralty would not recognise these passports as sufficient when Danish ships were taken. The English required a 'corporal oath,' i.e. one taken in person in a Court of Law, written out and signed by the owners, a copy of this to be on board, with a certificate from the Danish Chancery that the oath had been taken. This would make a violation of the convention difficult or unpleasant, and the Danes objected to it. Meanwhile the Dutch [1] envoy, Hop, was negotiating in Denmark on the same subject, and also for the loan of 5000 soldiers. But the demands [2] of the Danes were outrageous, and William was convinced of their insincerity and ill-will, 'the sum they ask for payment is unbearable, and if they want commerce with France as well, we shall not get much for our money,' he wrote.

The truth was that the fickle mind of Christian was now full of the hope of ruining the Luneburg princes, whom he detested. The princes opposed to the settlement of a ninth electorate in that family were known as the 'Corresponding Princes,' [3] and were headed by Denmark. This league formed an excellent basis for a Third Party, and threatened war in Northern Europe. It was, therefore, encouraged by France, both in the hope of distracting Germany, and also because the Luneburg princes had deserted France for the Allies, though their zeal in any cause was confined to their own interests. The 'Corresponding Princes' were restrained only by fear of Sweden, at that period the patron of the Luneburgers. Just now, however, Christian was in great hopes of winning over Charles XI. But the latter knew his own interests, and recognised the new elector in February 1693, to the huge mortification of

[1] *William to Heinsius*, $\frac{\text{November } 26}{\text{December } 6}$, 1692, vol. i. f. 104.

[2] *Ibid.*, December $\frac{3}{13}$, 1692, f. 108.

[3] A. W. Ward, *The Electress Sophia and the Hanoverian Succession* pp. 224–238 especially.

Christian and to the relief of the Allies.[1] 'The resolution of Sweden must be the rule of Denmark,' wrote Rycaut to Stepney, January 11, $169\frac{2}{3}$. The Danes promptly resumed the negotiation with Hop ;[2] 'the meaning of which is that, in case they cannot succeed in their treaties with other princes, they will be contented for a round sum of money to strike up with England and Holland.'

Yet Christian V's heart was still set on an alliance with Sweden.[3] Though Charles would neither consent to the marriage-alliance nor join with Denmark in opposing the creation of the ninth electorate, yet both wanted trade with France and restitution of their ships. In March 1693 the English negotiations with Denmark were damped by the news of an extended treaty[4] between Denmark and Sweden. After bitter complaints of the arrests, the two Kings stipulated for the presentation of a strong memorial to the offenders ; if that failed, for reprisals on them ; and, if that were not enough, for the prohibition of commerce with them. They also decided to avenge the arrests by Spain, which had little commerce, on the other Allies ; and at the same time promised to observe the treaties against contraband.

This treaty was not quite so ominous as it sounds ; it was due merely to coincidence of commercial interests. Denmark had made no new treaty with France,[5] she already drew a subsidy for her neutrality, nor were her relations with Sweden any closer. William ordered Danish and Swedish ships with passports according to the convention of 1691 with Denmark and the treaty of 1661 with Sweden to be allowed to pass, unless they carried corn, which was to be bought up.[6] There was a great famine in France, and

[1] *Add. MSS.*, 7060, f. 39.

[2] *Ibid.*, f. 49, February 11, $169\frac{2}{3}$.

[3] *S.P.F., Denmark*, 23, Greg to Trenchard, April $\frac{14}{24}$, 1693.

[4] *Ibid.*, March 28, 1693, to Nottingham, May 2 to Trenchard.

[5] *Ibid.*, April 29, 1693.

[6] *Ibid.*, 22, 1693.

it was William's plan, applauded by the other Allies, to buy up the corn of neutral traders, and so starve France into surrender.[1] Neither side, however, really yielded. The Northern crowns made naval preparations more showy than real.[2] De Lente, at the Hague, presented a memorial[3] to William, stating that twenty-eight Danish ships had been confiscated and forty-three were under arrest in England. He was also asked to induce Spain to order her privateers not to attack Scandinavian ships and to accept Christian's passport. In their answer, however, the English declared the passports to be insufficient, and told the Danes that they did not ask for justice in the ordinary courts because they feared the results: the Spaniards could answer for themselves.[4] Christian then ordered new passports to be taken out.[5] The reputation of the Baltic Powers had a severe shock when Zeeland 'capers' arrested one of their convoys and forced the captain to yield up eight privateers whom he was protecting.[6]

Christian's moderation was due to the fact that he was busy in North Germany, where the affair of Saxe-Lauenburg was causing great excitement. This duchy, which lay in North Germany, between the lands to the east of the Elbe and those to the west of it, and was very important strategically, though not in size, was claimed in the Imperial Courts by Denmark, the House of Luneburg (especially the Duke of Zell), and by Saxony. The Luneburgers, whose steady and successful 'policy of grab' was always making trouble at this time, had occupied Ratzeburg, the chief fortress, and were strengthening the defences.[7] Christian could not submit to this, and threatened to ally himself with Saxony

[1] *S.P.F.*, *Denmark*, 23, December 5, 1693.
[2] *Ibid.*, December 8 and 11, 1693, to Nottingham.
[3] *Ibid.*, May 21, 1693.
[4] *Ibid.*, May 23.
[5] *Ibid.*
[6] *Ibid.*, June 20, 26, 1693.
[7] *Ibid.*, April $\frac{14}{24}$, 1693.

against them. The Duke of Zell's cool proposal[1] to lay open part of the fortifications if Brandenburg would guarantee his possession of the duchy until the suit had been settled by the law of the Empire, did not soothe him. Meanwhile the Luneburgers were trying to gain the open protection of Sweden and England, for their private aggrandisement, by representing that Denmark really intended to invade Lower Saxony, in support of French designs, and to attack Hamburg.[2] Greg, the English envoy, did not believe this, and Charles XI seems to have been of the same opinion.[3] They were more successful with William,[4] and a satisfactory answer to the Dutch memorial on the subject, and the fear of hopelessly offending Christian's self-esteem,[5] alone prevented the presentation of a strong protest by England on behalf of Zell.[6] However, the Maritime Powers threatened to send a fleet to the Baltic to coerce Denmark. Indeed, there was no doubt that Christian would gladly have attacked the Luneburgers,[7] especially as France would have paid him well for the consequent withdrawal of the Luneburg troops from the Allied army.

But Denmark just then had more to hope from the Maritime Powers than from France.[8] Christian stayed his march on Holstein,[9] and entered into a negotiation with the imperial ambassadors on the subjects of the payment of the Emperor's debt of one million rix-dollars to Denmark and expedients to satisfy the princes who opposed the ninth electorate and the fortification of Ratzeburg. Denmark specially desired the toll on the Elbe, the demolition of

[1] *S.P.F., Denmark*, 23, April 18, 1693.
[2] *Ibid.*, April 18 and 29, 1693.
[3] *Ibid.*
[4] *Ibid.*, May 19, 1693.
[5] *Ibid.*, May 6, 1693.
[6] *William to Heinsius*, July 27, 1693, vol. i. f. 125.
[7] *S.P.F., Denmark*, 23, June 3, 1693, and *Luttrell's Diary*, May 30, 1693.
[8] *Ibid.*, June 10, 1693.
[9] *Ibid.*, June 26, 1693.

the new fortifications, and the sequestration of the duchy until the law suit was settled. But the machinery of the empire was unable to answer these demands. The Luneburgers would only offer[1] to pay the debt for the Emperor, instead of razing the fortifications, and Christian, disregarding Sweden's[2] 'dehortatory proclamation,' started on the march.[3] The Duke of Zell refused his offers of a suspension of hostilities, each party remaining on its own side of the Elbe, and the Danes began to bombard Ratzeburg. The play had now begun,[4] and Lexington and Hop arrived in hot haste, on behalf of the Maritime Powers, to make peace.[5] Christian, however, was calm. He felt sure that Sweden and the other German Powers really supported him; the season was too late for the Maritime Powers to harm him; besides, they were not likely to make war in such a cause; and, above all, the interests of the Allies would oblige William to effect a peaceful settlement somehow. Greg himself, after the first shock, thought[6] the bombardment rather useful, since it would soothe Christian's dignity and he would be more amenable afterwards. The intense anxiety shown by so many great Powers raised Danish vanity to its height; 'they think themselves the greatest princes of the earth,' wrote Rycaut to Stepney, December 27, 1693.[7]

Sweden offered her powerful mediation in August,[8] and the mediators worked hard at expedients; but peace was due to the collapse[9] of the Luneburgers. Their own troops were serving the Allies; the Maritime Powers could not send a fleet; Sweden would not defend their annexations;

[1] *S.P.F., Denmark*, 23, August 10, 1693.
[2] *Ibid.*, July 15, 1693.
[3] *Ibid.*, August 7, 1693.
[4] *Ibid.*, August 4, 1693, and *Hist. MSS. Comm. Report.* Report 12, App. part 5, p. 149.
[5] *Ibid.*, September 11, 1693.
[6] *Ibid.*, August 24, 1693.
[7] *Add. MSS.*, 7060, f. 103.
[8] *S.P.F., Denmark*, 23, August 27, to Blathwayt.
[9] *Add. MSS.*, 7060, September 27, 1693, f. 104.

and, above all, there was a famine in Ratzeburg 'Provisions are so scarce in Ratzeburg that I fear the Luneburgers will be forced to condescend to very dishonourable conditions,' Rycaut reported. After some bickering a treaty [1] was signed on September 29, by which the Luneburgers were to demolish the fortifications, leaving a small 'civil' garrison, and both parties were to evacuate the duchy simultaneously. Denmark was left glowing with pride;[2] so much so, that she immediately asked a most outrageous price for her alliance, and was refused. William was left with his very bad opinion of Denmark much strengthened; her measures he called [3] 'as pernicious for the general good as they are interested.'

III.—Relations between Denmark and England, 1693–1697.

Meanwhile the French privateers, under such famous captains as Jean Bart [4] and his brother, out-sailed and outfought the English and Dutch, and, using the fine harbours of Norway as centres, made the Northern Seas thoroughly unsafe. English merchants asked for a regular convoy to the Sound, for their trade was nearly ruined.[5] The Baltic Powers, especially the Danes,[6] were so exasperated by their losses that the latter would not renew the commercial treaty with France, expired in 1692, since the French would not recognise the principle of free ships make

[1] *Add. MSS.*, 7060, September 30, f. 108.

[2] *Ibid.*

[3] *William to Heinsius*, $\frac{\text{November } 28}{\text{December } 8}$, 1693, f. 133, vol. i.

[4] For his exploits see Laughton, *Studies in Naval History*. For other French sailors see Du Guay Truin in same work, and Guérin, *Histoire de la marine française;* also, *Memoirs relating to Lord Torrington*, edited by J. K. Laughton, Camden Society, N.S.

[5] *S.P.F., Denmark*, 23, Butts to Trenchard, April 29, 1693; also Ranke, vi. p. 57.

[6] *Ibid.*, June 10, 1693, Greg to Trenchard.

free goods. They even talked of forbidding[1] trade with France for a year or two because it was unprofitable. The embassy of Lexington and Hop had been partly for the purpose of cultivating this favourable disposition.[2] The Danes seemed willing to accept their terms of satisfaction, and in return to re-allow freedom of commerce between England and the North Seas, which in their wrath they had forbidden. Christian was, however, as usual, jilted for Sweden. Acting on their principle of opposition to Denmark, the Swedes[3] now insisted on making reprisals on the Maritime Powers. The Dutch feared Sweden far more than Denmark, and by an adroit agreement with the former, which practically conceded all claims of freedom for neutrals, left Denmark out in the cold.[4] Sooth to say, the Dutch, as the carriers of the world, had long been desirous of the recognition of the claim that 'the flag covers the goods.'[5] Hence arose their lukewarmness towards the prohibition of French trade and their readiness to make terms with Sweden. England would have been perfectly ready to follow this example and satisfy Denmark,[6] but the Danish merchants would not hear of an investigation into their losses.

At first Denmark seemed likely to submit to circumstances and to give up the idea of reprisals. Christian[7] contented himself with doing an ill turn to the Allies by a formal proposition for a general peace on French terms,[8] without even any mention of the recognition of William and Mary, the most necessary point of all. He suffered

[1] *S.P.F., Denmark*, 23, June 13, 1693.
[2] *Ibid.*, October 31, 1693, to Lexington.
[3] *Ibid.*
[4] *Ibid.*, November 11 and 25, 1693, to Trenchard, and Grovestins, vi. p. 404.
[5] See for example *Letters and Papers relating to the First Dutch War*, p. 48, Gardiner, *Navy Records Society*; also *Mignet*, vol. iv. p. 624.
[6] *S.P.F., Denmark*, 23, Greg to Trenchard, November 25, 1693.
[7] *Ibid.*, December 5, 1693.
[8] *Ibid.*, December 9, 1693.

the usual disappointment. France, like everyone else, preferred Sweden, and a few weeks later [1] induced that country to offer far more acceptable terms, including a compromise on the question of the English succession. Christian was made ridiculous,[2] and the stubbornness of the French on the commercial treaty increased his anger against them.

Christian was, however, in no good humour with the Sea Powers.[3] He demanded satisfaction for his subjects in the Empire and for the Hanse towns, though they had openly broken the *avocatoria*.[4] Angered by the triumph of the Dutch over their agreement with Sweden, and thinking the latter not very well-disposed to its new friends, in spite of the agreement, Christian suddenly arrested all the Dutch ships in Danish waters, saying he would keep them until satisfaction was made to him. Again his stars were unfavourable.[5] Sweden was offended because some of the ships were arrested in the Carlscrona roads and refused [6] to countenance the act.

In the spring of 1694, therefore, negotiations between Denmark and the Allies were again active, this time under the direction of the Brandenburg envoy at Copenhagen. Denmark was exasperated with France and Sweden, and, besides the general interest of the Allies, England in particular needed an agreement with Denmark on the subject [7] of the reception of the French privateers and their prizes in Norwegian ports in spite of numerous edicts against the practice. The really important demands were: (1) by the English, (*a*) the prohibition of commerce with France and of the harbouring of French privateers, and (*b*) the cessation of Danish opposition to the ninth electorate; and (2) by the Danes, the toll on the Elbe. If the last could be settled Greg thought the Danes would be reasonable.

[1] *S.P.F., Denmark*, 23, December 16, 1693. [2] *Ibid.*
[3] *Ibid.*, December 5 and December 19, 1693.
[4] *Ibid.*, December 9, 1693. [5] *Ibid.*, December 16, 1693.
[6] *Ibid.*, December 23, 1693. [7] *Ibid.*

The holding up[1] of a Danish and Swedish convoy in the Sound caused commotion, but they were so clearly 'colouring' other ships that Christian could not protest, and even issued orders for a stricter system of passports.[2] Matters now hinged on the trouble over the arrest of the Dutch ships. Christian was eager to save his pride by adopting the proposal[3] of Brandenburg, that he and the Dutch should release their arrests at the same time. The Dutch naturally thought otherwise, for of the nine ships held by them six were believed to be privateers. Falaisseau, the Brandenburg envoy,[4] told his master that a settlement was prevented by the incurable mistrust of the Maritime Powers for Denmark. Indeed, William was writing[5] to Heinsius that he believed Denmark was only negotiating with us to get better terms from France. But then Falaisseau would have given up the prohibition of trade with France to placate Denmark, for the Allies did not appreciate the standpoint of the Sea Powers, and thought it selfish.

In fact the Danes were trying to escape from the difficulty in both ways. On the one hand, Falaisseau continued to negotiate for a mutual release of the arrested ships and for a 'satisfaction' by the Dutch of the Danish claims, with the usual reduction by one half. On the other hand the Danes were trying to obtain from Sweden an approval of the arrests of the Dutch ships, which would entail armed reprisals by both Sweden and Denmark. If Sweden would not act, no more faith was to be placed in her. From this dilemma Charles extricated himself very cleverly.[6] He approved of Denmark's action, and said it was a *casus denegatae justitiae;* but since he did not say the Danes had been denied justice before the arrests he was not bound to

[1] *S.P.F., Denmark*, 23, January 16, $169\frac{3}{4}$.

[2] *Ibid.*, January 2, 30, February 3, 6, $169\frac{3}{4}$, etc.

[3] *Ibid.*, February 10, $169\frac{3}{4}$.

[4] *Ibid.*, February 13, $169\frac{3}{4}$, inclosure.

[5] *Ibid.*, February $\frac{16}{29}$, $169\frac{3}{4}$, vol. i. f. 139.

[6] *Ibid.*, March 13, $169\frac{3}{4}$, Greg to Trenchard.

execute the treaty; on the contrary he advised an accommodation. At the same time he ordered[1] Lilienroth, at the Hague, to make very strong representations. The violence of the Zeeland 'capers' was permitted, he said, in order to ruin the commerce of the Baltic Powers, and if it were not stopped he would execute the treaty with Denmark.[2] William, true to his principle of separating the Northern Crowns, saw that France had abandoned Denmark, and therefore it had best be secured at once, lest Oxenstiern, the only Swedish minister favourable to the allies, should die and Sweden join France. So, in spite of the arrest of more Danish ships by the Dutch, the mutual release of vessels was effected, except of two Danish bottoms loaded with contraband.

But, though the matter was on the way to a satisfactory settlement, the Danes were displeased with everyone.[3] They held William responsible for all the offences of the Sea Powers, and were[4] angry with Sweden and with the Allies because the former alone had been mentioned as a possible mediator of the general peace. Then came an arrest[5] of the Danish and Swedish fleet in the Downs. The Danes were particularly irritated by Cloudesley Shovel[6] compelling a certain Captain Barfoot, who had refused to strike his flag, to do so under fire. Christian could not defend his captain; but he complained of violence and would fain have put this defiance of England's ancient prerogative in the narrow seas on a level with the omission by some English captains to salute his new fortress of Cronberg.[7] It appears that

[1] *S.P.F., Denmark*, 23, March 20, $169\frac{3}{4}$.

[2] *William to Heinsius*, March $\frac{6}{16}$, 1694, vol. i. f. 144.

[3] *S.P.F., Denmark*, 23, February 24, 1694.

[4] *Ibid.*, June 23, 1694, to Vernon.

[5] *Ibid.*, July 17, 1694.

[6] *Ibid.*, August 17, 1694, account by Captain Robert Deane. *Political History of England*, Lodge, p. 389, and *Cal. S.P. Dom.*, 1694–1695, pp. 259, 263, 267, 269.

[7] Christian to Paulli (in England), August 25, 1694; *S.P.F., Denmark*, 23; and *Cal. S.P.Dom.*, July, December, 1695, p. 276.

William had ordered the salute with three guns, but was not always obeyed.[1] He even[2] feared that war might follow from this unseasonable encounter; 'however, I neither dare nor can do anything in it: the honour of the nation being compromised, I must maintain it, though it may be costly.' But it was not Christian's interest to break with the Maritime Powers without any hope of support from Sweden. His dignity was salved when Sir Cloudesley Shovel[3] came to the Baltic and saluted Cronberg with three guns. The Danes were still more pacified[4] by Shrewsbury's very conciliatory treatment of the arrested ships.

The relations between Denmark and England were considerably more peaceful after this time. Since Sweden seemed to be veering steadily towards France, the Allies were the more eager to engage Denmark in their cause. On the other hand, Christian's[5] health was failing, and his government was therefore feebler. Sweden and France had failed him, and so he turned to the Allies for money; and he was, perhaps, not uninfluenced by the hope[6] of securing William, now a widower, for a son-in-law. On March 4, $169\frac{4}{5}$, Christian V issued a proclamation[7] enforcing the previous regulations for traffic in the Northern Seas, e.g. the administration of the corporal oath, prohibition of selling ships to France, fine for giving certificates without taking an oath, etc.

In March[8] Greg heard that Lente, at the Hague, had received full powers to make a close alliance with the Sea Powers. The chief obstacles were that Denmark[9] wanted

[1] *S.P.F., Denmark*, 23, October 2, 1694, Greg to Vernon.
[2] *William to Heinsius*, f. 156, September 2, 1694, vol. i.
[3] *S.P.F., Denmark*, 23, December 11, 1694.
[4] *Ibid.*, July 21, 1694.
[5] *Ibid.*, 24, March 2, $169\frac{4}{5}$.
[6] *Lexington Papers*, p. 62, Cressett to Lexington, February 14, $169\frac{4}{5}$.
[7] *S.P.F., Denmark*, 24.
[8] *Ibid.*, March 30, 1695, to Shrewsbury.
[9] *William to Heinsius*, $\frac{\text{February 24}}{\text{March 4}}$, $169\frac{4}{5}$, f. 174.

the toll on the Elbe, the mediation of the general peace, and a too lavish satisfaction for the prohibition of the trade with France. The second point Lente was ready to yield; and as for the last, William grimly remarked: 'If they expect to get any money from me they are very much mistaken, for there will be none.' But the matter of the toll on the Elbe was very 'thorny'; the Danes put down the whole delay to William's account, while he, though anxious for an agreement, saw that Sweden could never allow their rivals so to aggrandise themselves. Negotiations dragged on for nearly two years. There was often no Danish [1] resident in England to give his help, for so many had been recalled on account of offence given to William or to his government that it was difficult to find a man for the post. In 1696 also the Holstein question was again to the fore. However, after much grumbling by William at the cost, a treaty was made in December 1696. In the secret [2] articles the Danes yielded up nearly all the claims which had been so troublesome to the Allies. They agreed to prohibit the trade with France, to exclude French privateers from the ports of Norway, to withdraw their opposition to the ninth electorate; nor was the toll on the Elbe mentioned. In return England and Holland undertook to pay handsome yearly subsidies and other sums until the end of the war, and to do their best to persuade the Emperor and Spain to liquidate their large debts to Denmark. The Danes might well congratulate themselves. These claims had brought them abundance of gain and notoriety during the war, and now that it was drawing to a close they were able to sell the remainder of their interest in them at a very high price. It was the growing friendship of Sweden and France which enabled Denmark to make such a good bargain with the Allies.

The improved relations between the two countries had

[1] *S.P.F., Denmark*, 24, 25, February $169\frac{4}{5}$, Greg to Vernon.
[2] *S.P.F., Denmark Foreign Entry Books*, 2.

already, on March 1, 1696, induced the English merchants [1] to lay some proposals for the increase of the trade with Denmark in naval stores before the Lords of Trade. They pointed out that they had already trebled the trade with Sweden in iron. The proposals show the restrictions on English merchants in Denmark. They desire (1) proper stations and arrangements for factories unless the Danes will manufacture their own goods; (2) freedom for English merchants in religion, and from military quarterings, arbitrary taxes, and confiscation of goods after death; (3) freedom to import and to sell wool and other goods from England and her plantations.

As a matter of fact, Christian's mind in these years was occupied with the old questions of Holstein-Gottorp and Hamburg. Neither of these episodes was concluded at the Treaty of Ryswick, and the former,[2] indeed, led straight up to the great Northern War; but it is as well to give their beginnings. In 1695 the old Duke died[3]; his son was young and war-like, and betrothed to the elder daughter of Charles XI, nor could the frantic efforts of Christian, backed by d'Avaux, change that King's intentions. Christian was naturally extremely [4] alarmed at the prospect, and quarrelled with the Duke on the most frivolous pretexts—such as the effacing of his (Christian's) name on the Schleswig churches when they were repainted. Matters grew worse towards the end of 1696. The chief trouble was that Christian denied [5] the Duke's *jus armorum*, i.e. his power of levying and maintaining soldiers in his own right; that is, he denied his independent sovereignty.[6] It seems that in the last years of the war he even forbade the Holstein troops serving with the Allies to return to their own country. In 1696 the Maritime

[1] *S.P.F., Denmark*, 24.
[2] *Cambridge Modern History*, vol. v. chaps. 18 and 19.
[3] *S.P.F., Denmark*, 24, Greg to Vernon, February 5, $169\frac{4}{5}$.
[4] *Ibid.*, April 6, 1695, to Shrewsbury. Burnet, pp. 628, 659, 660.
[5] *S.P.F., Hamburgh*, 19, June 22, 1697, Rycaut to Williamson.
[6] *Add. MSS.*, 23617, f. 60, October 1, 1697.

Powers thought it high time to interfere in the interests of peace. A conference of mediators (Maritime Powers, Emperor, Sweden, Brandenburg, etc.) was established at Hamburg, and their attempts were called the 'Treaty of Pinnenburg.' William thought that Holstein, relying on Sweden and urged on by the Luneburgers, was by no means blameless, and he could not afford to estrange Denmark. He wrote[1] to Heinsius that he would speak firmly to the former, and 'show them it is neither our intention nor interest to allow a rupture with Denmark, and help the aggressor.' The Duke fared ill, for none of the mediators except England and Holland did anything or wished to show him justice. In the summer of 1697 Christian caused excitement by demolishing some forts in Holstein,[2] but the English representative, Cressett, prevailed on him to go home. The Duke pressed William to declare in his favour, but the latter[3] decided to delay until the state of Europe was less inflammable before taking a step which might make Holstein too presumptuous and anger the Danes. Besides, 'we are not in a conjuncture to force the Danes to anything while they keep quiet,' Blathwayt candidly admitted to Cressett. The treaty was abandoned, *re infecta*, in 1698, and open hostility was renewed.

Meanwhile Christian in 1696 again pressed his claims to the sovereignty of Hamburg. He was probably encouraged by the fact that his friends the burghers, helped by a great ecclesiastical squabble,[4] had won the upper hand. As they knew nothing of foreign politics and were amenable only to brute force, they did not hesitate to defy William openly over the trade with France. In 1697 they went still farther.[5] The Scotch East India Company, soon to gain a mournful

[1] April $\frac{7}{17}$, 1696, f. 218, vol. i.

[2] *Add. MSS.*, 23617, Blathwayt to Cressett, f. 15, June $\frac{13}{23}$, 1697.

[3] *Ibid.*, f. 53, September 7, 1697.

[4] *S.P.F., Hamburgh*, 18 and 19, *passim.*

[5] For this incident see Lang, *History of Scotland*, vol. iv., and Lodge, *Political History*, pp. 341 ff.

fame in Darien, wished to set up a staple and enlarge its subscriptions at Hamburg, where the English Merchant Adventurers flourished. William, who was anxious to suffocate the whole scheme, ordered his representative, Rycaut, to prevent this. He succeeded, but drew a bitter and very insolent protest from the Hamburgers against William's action,[1] which was reproduced in stronger terms by Dyer's news-letter for the benefit of the Jacobites. But as the peace drew near Hamburg became more humble, fearing[2] lest William should exclude their territories from the benefits of the treaty. His representatives would not only have excluded them from the Peace, but also their magistrates from the dinner by which the Peace was celebrated. However, their master's superior moderation accorded both the guarantee and the meal.

The Duke of Holstein does not seem to have been so fortunate, In 1698[3] he was still appealing to William to include his lands in the guarantee of the Treaty of Ryswick. Whether he was successful or not does not appear. But in reality, with regard to both Hamburg and Holstein, William was pursuing the same policy. He was trying to cut off the King of Denmark from his favourite points of attack on the repose of Northern Europe, yet without giving him offence. So, in spite of their insolence, he placed the Hamburgers under the protection of Europe. On the other hand, the case of Holstein was already under mediation, with which it would have been dangerous to interfere at that time, as throughout this period William was doing his best to prevent a northern war. It is true that soon afterwards it broke out;[4] but his efforts localised it, and confined it to the form least dangerous to the rest of Europe.

[1] *S.P.F., Hamburgh*, 19, No. 40, April 20, 1697, Rycaut to Williamson; Ellis, *Correspondence Foreign*, vol. iv. f. 213.

[2] *Add. MSS.*, 23617, f. 62, October 15, 1697, Cressett to Blathwayt.

[3] *S.P.F., Denmark*, 24, January 17, $169\frac{7}{8}$.

[4] *Cambridge Modern History*, vol. v. chap. 19; Ranke, vi. 165 ff.; also 'Life of Rooke' in *From Howard to Nelson*.

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SOME ASPECTS OF EARLY ENGLISH APPRENTICESHIP

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Read January 19, 1911

THE story of apprenticeship is so interwoven with the general and industrial history of England that it is almost impossible to touch upon any portion of it without travelling over ground already well known. There are, however, certain aspects of the subject which can, perhaps, bear further investigation. It is the purpose of this paper to deal mainly with three such aspects of early English apprenticeship,[1] namely, its flexibility, its use as an instrument of monopoly, and lastly, but most important, the continuity between the guild system and the national and compulsory system established by Statute in 1562.

This continuity between early and later apprenticeship is especially marked in three respects. The Statute of Artificers, with which the national system began, was frankly based upon the early custom of apprenticeship as developed by the craft guilds prior to 1562. Further, the machinery by which apprenticeship was enforced before 1562, namely, the organisations of the guilds and companies, was the most efficient and important part of the machinery by which, after that year, the national system of apprenticeship was administered. Finally, it was the flexible system of the guilds, not the strict apprenticeship system of the Statute, which was in the main enforced in the sixteenth,

[1] Prior to the national system, that is to say from its development at the close of the thirteenth century until 1562.

seventeenth and eighteenth centuries. The continuity between guild and national apprenticeship, as also those other aspects of early apprenticeship of which mention has been made, will become apparent if we consider the development of the system, its nationalisation in 1562, and the adjustment between custom and statutory regulation, during the first fifty years or so after the Act was passed.

Traces of apprenticeship are to be found in England in the twelfth century, but it is impossible to say with accuracy when it was first adopted. It is certain, at any rate, that it was practised by some of the London guilds by 1300, for in that year there is an Act of Common Council which deals with the enrolment of apprentices.[1] The matter-of-course manner in which apprenticeship is mentioned pre-supposes that it was a common feature of industrial life and that it must have been in use for some length of time. Further, it shows that apprentices were so frequently employed by Londoners that legislation concerning them was necessary.

The probability is that apprenticeship had been originally a private arrangement between the adult and the young worker; at any rate, though there are, before 1300, any number of guild rules for the regulation of trade, remarkably few are concerned with apprenticeship. It is, in fact, exceptional to find a town or guild before 1300 regarding the supervision of apprentices as within its province. But when it became more and more customary for their members to employ apprentices, the guilds were obliged to step in and to make rules for their 'ordering,' as they termed it. Most of the London Guilds had adopted by-laws dealing with apprentices by 1400; in the provinces, Bristol, then second in importance to London, was one of the first towns to make enactments for apprentices.[2] There is a rule of 1344, recognising the right of lads who had served their time

[1] *Liber Cus.*, 78. 536. Word first found in Latin endorsement of a writ, 20 Ed. i.

[2] Bickley, *Little Red Book*, 36.

to the freedom of the city.[1] In Lincoln, rules were made even earlier,[1] but not many of the provincial towns or guilds[2] took official cognizance of apprenticeship until the fifteenth century. The earliest rules have for their object the preservation of fair play between members, brethren being forbidden to entice away each other's apprentices.[3] The next step taken by the guilds was to regulate the binding of the boys, in other words, they supervised the contract. They realised that such regulation was necessary if they wished to safeguard themselves from the intrusion of ignorant workmen claiming admittance upon the pretence of having served apprenticeship. The plan they adopted was the enrolment of the names of all apprentices in a book kept by the guild or town-clerk. This was enforced in London from 1300,[4] and in the country somewhat later. The apprentice was to be bound by indentures which were inspected by the officers of the guild or town, and his name and the date of binding were then recorded. In the fifteenth century, this 'ordering' of apprentices was more strictly enforced; in many places the indentures had to be enrolled within a certain period after their sealing, and definite days were appointed upon which apprentices should be brought by their masters before the court of the guild and presented to the masters and wardens. Rules were also made as to the length of time which an apprentice must serve before he was allowed to become a free master.[5] Seven years, both in London and in the country, was the most usual term, though longer periods were sometimes compulsory,[6] while in Colchester, as late as the time of

[1] Toulmin Smith, *English Guilds*, 183: Rules, Tailors, 1328.

[2] York, 1415; Northampton, 1430; Exeter, 1450.

[3] *Cf.* Welch, *Pewterers*, p. 4. Toulmin Smith, *English Guilds* p. 183. *Cf.* O. J. Dunlop, *History of English Apprenticeship and Child Labour*, Chap. i.

[4] *Cf.* O. J. Dunlop, *History of English Apprenticeship and Child Labour* Chap. i.

[5] *Calendar Letter Book C.*, 75.

[6] Prideaux, *Goldsmiths*, i. p. 9; Rules 1370: ten years.

Henry VIII, five years was the term imposed by the town authorities.[1]

It must not be imagined that because many regulations were made for apprenticeship it was, in the early days, the only legal method of entering a trade. The guilds certainly possessed a well-defined system of training, but it is interesting to notice that it was a flexible system. So far as we can judge, it was not necessary for a journeyman to be apprenticed, though in the fifteenth century the rule against employing any but apprenticed men was growing stricter. There is no doubt that men who were not content to remain journeymen had to become free of the local guild before they could set up as free masters, working on their own account. At this time, however, a man could become free in other ways than by apprenticeship. For instance, in 1348 the Pewterers of London ordered that no person was to meddle in the trade before he was admitted by apprenticeship, or otherwise a lawful workman, known and tried.[2] It appears from an ordinance of the Fullers in 1363 that any skilful workman was allowed by them to work at fulling, but if he was declared by the masters of the mystery to be incompetent, he had either to become an apprentice and learn his business, or else leave the trade altogether.[3] The Northampton Fullers also allowed both methods of admittance. 'Every ffuller,' ran their rule, 'which has nott bien Apprentice to the same crafte in the toun of Northt. by the terme of iiij yere at the leste, trewly served and ffulfilled, that shall sett up crafte and occupie householde in the same toun may be proved be the Maisters of the same crafte suffycyaunte and able to occupie and kepe charge and rewle of mennes goodes affore the maire for the tyme beyng.'[4] Men

[1] Benton, *Red Book*, p. 25.

[2] Welch, *Pewterers*, p. 3.

[3] *Letter Book G.*

[4] *Northampton Records* (Markham), i. p. 292. *Cf.* Lambert, *Two Thousand Years*, 217; *Hull Glovers*, 1499; *Little Red Book* (Bickley), ii. p. 172.

who had served apprenticeship had also to be vouched for as sufficient and able, but they paid lower fees for their admittance. The Northampton Tailors, like the Fullers of that town, recognised the two methods of qualification for the freedom, and in 1444 appointed two entrance fees, the one for strangers, who were admitted upon payment of 3*s.* 4*d.*, and the other a fee of 1*s.* 8*d.*, to be paid by every other person trained in the manner of an apprentice.[1] This by-law was re-enacted as late as 1537, showing that the custom of admitting all the skilled workers of a trade to the guild, whether they were apprenticed or not, existed until quite late, possibly even until Elizabeth's day. Entrance to the guilds could also be conferred as a privilege, or purchased at the discretion of the brethren,[2] while the eldest son born to a man, after he had become a free master, succeeded his father in the trade by right of patrimony.[3] As old, probably, as this right, was the acquisition of freemen's privileges by the marriage with the daughter or widow of a freeman.[4]

There is no doubt, however, that apprenticeship gradually gained upon these older methods of admittance, partly perhaps because it was a convenient manner of training the young ; and also in part because preference was always given in the Middle Ages to anything that was systematic and could be done by rule. There was another reason for the more general enforcement of apprenticeship at the close of the fourteenth century. Membership in a guild had become by this time a coveted privilege, and, in proportion as it became of greater value, the craftsmen grew more jealously exclusive. Their policy now was to try and reserve their privileges to members, and consequently

[1] *North. Records* (Markham), i. p. 281.

[2] *E.g.* Prideaux, *Goldsmiths*, pp. xiv. 12; seventeen strangers pay for admittance. Riley, *Mems.*, 217. *Girdlers' Rules*, 1344; 'Also that no strange man be permitted to work in the trade if he will not be an apprentice or buy his freedom.'

[3] *E.g.* Toulmin Smith, p. 390 ; Cotton, *Elizabethan Guild*, pp. 8, 16, 173.

[4] *E.g.* Latimer, *Merch. Adven.*, p. 33.

apprenticeship became increasingly popular with them, since they discovered that, by enforcing it narrowly, they had ready to hand a powerful weapon for preserving their monopoly and preventing competition. At the close of the fifteenth century, a great number of guilds made by-laws, the tendency of which was to favour present members and their sons, and to make it harder for outsiders to enter the guilds, either because they had to pay higher fees for admittance, or because apprenticeship was made indispensable, adult strangers being thus barred out. Other guilds obliged their apprentices to serve for long terms, or raised the fees which duly apprenticed men had to pay. Not only did they make apprenticeship the one path to free membership, and that a more arduous path than hitherto, but they also reduced the number who could pass along it by insisting that the apprentice should possess certain qualifications. Unfree birth, bastardy, deformity, previous occupation in another employment, alien birth, were declared by some guilds to be insurmountable obstacles to a boy's learning a trade. An even surer method of limiting the number of brethren was to limit the number of apprentices who might be bound. Such by-laws are frequent in the fifteenth century, masters being forbidden to take more than two, three, or four apprentices, the number varying with locality or trade. Apprenticeship was thus a formidable weapon in the hands of the guilds, and there can be little doubt that its general use in the sixteenth century was due not merely to its value as a method of training, but also to the ease with which it could be diverted from this, its proper use, and could be employed as an instrument of monopoly.[1]

From the records of towns and guilds we can gain a very fair idea of apprenticeship as it existed about 1562,

[1] 7 Henry IV, c. 17. Statutory property qualification. 12 Rich. II, c. 5. Children using agriculture until twelve years old not to be apprenticed to a trade. *Cf.* Dunlop, *op. cit.* Chap. i. and Chap. ii.

the year of Elizabeth's Act. The children had to be bound by indentures, the terms of which ensured their instruction, board and maintenance in return for their services. The period of service was almost invariably seven years. The apprentice had to be bound to a freeman of the guild, and in many places there was a further rule that the master must be a freeman of the town, a propertied person, or a householder. Otherwise, the lad's service would be reckoned of no effect when he came to take up his freedom. The indentures had to be made by the clerk of the guild, to whom a small fee was usually paid; then, upon the court day, master and apprentice appeared before the assembled brethren, and if no objections were raised to the agreement, the name of the boy and his master, and the date of the indentures, would be entered upon the books of the guild, the master paying a small fee for the same. If all went well, master and boy did not again appear in public or before the court until, at the end of the period of service, the master came to testify to the boy's service, and the latter asked for his freedom.[1] There are few records at this time of the private life of the apprentice. Indentures show that he invariably lived with his master, and in return for his service received bed, board and clothing. We are accustomed to-day to think of apprenticeship almost entirely as a method by which a lad is taught his trade, but in the early days, and indeed until comparatively late times, the constant personal relations of master and apprentice were one of the most important features of apprenticeship, and it was an integral part of the system that the lad should live in his master's house and be entirely under his control. The apprentice received no wages, his labour being supposed to be adequately requited by the return made him in kind. In his indentures he had to promise good conduct and civility, and abstention from such games as cards and dice, and

[1] *Cf.* Dunlop, *op. cit.* Chap. ii.

the 'haunting' of taverns. At the close of the fifteenth century, we find a certain number of towns and guilds enforcing by their rules the customary promises which the apprentice made when signing his indentures. Masters were allowed to correct their apprentices, and were indeed expected to do so; they would appeal to external authority only if the boy proved incorrigible. Then, or if the master abused his powers, the guilds would intervene. As a general rule, every guild had its two elected searchers, whose business it was to search out and condemn bad work and report upon any unfair dealings on the part of brethren.[1] These officers, in making their rounds, incidentally saw to it that the boy was properly cared for and taught, while if there was any serious cause of complaint, whether of ill-conduct on the part of the boy or of unfair treatment by the master, the injured party could appeal to the court of the craft or company. From about 1450, the general supervision of apprentices by the guilds became more marked. In some places, rules were made for the regulation of the private relations of apprentice and master; others defined the nature of an apprentice's wardrobe; elsewhere, the guilds supplanted or supported masters in their control of their apprentices out of work hours. The Ironmongers of London passed a by-law as to the dress and appearance of apprentices, whose hair, it was expressly stated, must not be suffered to grow so long.[2] At Colchester, the innkeepers were forbidden to allow any apprentices to enter their houses on Sundays,[3] while the Corporation of Carlisle forbade apprentices to go out after ten o'clock at night.[4] Account and court books bear further testimony to the

[1] Bickley, *Little Red Book*, ii. pp. 93, 114. The Bristol Fullers in 1406 ordered their searchers to make the round twice a week. *Ib.* p. 77. Prideaux, *Goldsmiths*, i. p. 10. Search twice a quarter. *Cf.* Cunningham, *English Industry*, i. (1890) p. 314.

[2] Nicholl, *Ironmongers*, p. 121: Rules, 1498. *Cf.* Surtees Society, *Newcastle Adventurers*, p. 20.

[3] Benton, *Red Book*, Colchester, p. 23.

[4] Ferguson, *Records of Carlisle*, pp. 69, 137.

supervision of the guilds. The Merchant Tailors fined a master five shillings for unlawfully beating his apprentice,[1] while another man was fined ten shillings for clothing his boy ill 'to the great disgrace of the mistery.'[2]

From this brief account it will be seen that not only was the custom of apprenticeship well developed by 1562 but that the guilds had the necessary officers and machinery for administering it. The result was two-fold. In the first place, Elizabethan statesmen, searching for some means of dealing with the problems of labour, pauperism, and the decay of towns, found to their hands a system of education and training which promised, if universally and uniformly adopted, to bring about the desired order and regulation in the industrial world. They nationalised the system of training devised by the guilds; apprenticeship by indenture for seven years was henceforth compulsory for any one who wished to practise a trade, and 'the order and custom of London' was made binding upon the whole country by the Statute of Artificers, passed in 1562. But no officers were especially appointed for its enforcement, and it was beyond the powers of the common informers, upon whom the Tudor monarchy relied very largely for the administration of its laws, to undertake the regular administration of any Act. The only authorities which had machinery sufficient to undertake the administration of an industrial Act such as this, which affected minutely and constantly the life of every day, were the guilds. They had the necessary organisation both for the work of registration and for the enforcement of *bona fide* service; their officers, the masters, wardens, clerks and beadles, could supervise enrolment; they held courts at regular intervals at which the binding of boys could be overlooked; they had registers in which the entries could be made. They had inspectors, the searchers, who in the course of their

[1] Clode, *Mems. Merchant Tailors Company*, p. 519.
[2] *Ibid.* p. 521.

other work could see that the lads were being properly taught and that no one was employed who was not either a bound apprentice or an apprenticed man. The Crown could not have supplied nor controlled the machinery which the guilds had ready to hand, and it was glad enough to avail itself of their services. Thus, secondly, the machinery of early apprenticeship, as well as the system itself, was to all intents and purposes nationalised.

During the first twenty years or so after the passing of the Act there were constant complaints that it was ineffective. This was attributed to the omission of any administrative machinery, more especially to there having been no provision made for the registration of apprentices, and in 1574 a petition was presented to the Queen, proposing that the signatories should be appointed by letters patent for thirty-one years to keep 'on Recorde all such thinges as are appointed to be done by the statute made in A° V^to^ of her Maties. reigne touchinge byndinge and servinge of apprentices (the saide statute havinge appoynted an office but no officer).'[1] Complaint is made of this same defect in another paper. The Act made void any apprenticeship which was not served after the custom of London, and, according to the London custom, an apprentice must be bound by indenture and the effect of the indentures enrolled, and at the end of his term 'due certificate shal be made howe the apprentice hathe served his apprenticeship. All which things together with makinge the apprentice free, are entred and kepte on recorde by officers thereto appointed.' But it was only in London and some of the larger corporate towns that any provision was made for enrolment. The majority of journeymen and apprentices had, therefore, as the writer points out, no means of attesting their service; indentures alone prove little, for 'manie are bounde that never serve,' while to certify his service by witnesses would

[1] *Lansd. MSS.*, 114. *Cf. S.P.D.* Eliz. 88. 11; *Lansd. MSS.*, 38, 14 (1583).

be a heavy charge to the apprentice. A certificate based on records would avoid these difficulties, and the writer suggests the appointment of an officer to keep records and enrolments, without which the clauses of the Act referring to apprentices, journeymen and the setting up of masters were of little effect.[1] In 1606 there is a similar complaint. It was said that as no instructions had been given, masters did not know where they ought to bind their boys, while the apprentice who had truly fulfilled his obligations 'cannot travel to get his living frely but many times is troubled by informers because he cannot produce proof of where he hath served.'[2] This want of administrative machinery not only encouraged masters and apprentices to disregard the law but also handicapped the justices in their duty of enforcing it. Municipal officers and justices of the peace were supposed to make an annual inquiry into offences against the Act, but this duty, it was said, was omitted by the justices everywhere, because no one had been appointed to keep the registers, and it was an unprofitable thing to inquire how an apprentice was bound and served and not to make a record of how he proved it.[3] Then, in the second half of Elizabeth's reign, came a marked outburst of activity on the part of the trade organisations, at this time frequently called companies. A large number of them applied for a renewal of their charters, and passed or re-enacted by-laws. It is worth suggesting that the action of the companies may have been caused by their discovery that the Statute was not a panacea for industrial grievances, and that they must trust to their own exertions if a remedy were to be found. However that may be, there can be no doubt that they were definitely encouraged by the Crown. Their work and the rules which they now passed closely resemble the work and by-laws of the early guilds.[4] The enrolment of

[1] *Lansd. MSS.*, 114, 3.
[2] *S.P.D.*, J. I. 24, 72.
[3] *Lansd. MSS.*, 114, 3.
[4] *Cf.* Dunlop, *op. cit.* Chap. iv.

apprentices was undertaken as before, and, in addition to this work of registration, they were of value in enforcing the Act because their rules reiterated the national law. In the constitutions of the guilds or companies two ordinances are invariably to be found: no apprentice was to be taken for less than seven years,[1] and no one was to work at a trade save apprentices and those who had been apprenticed for seven years at least,[2] with the exception of sons working with their fathers, and those who had been specially licensed by the wardens. Wherever, therefore, a guild or company existed, no one could work at that trade contrary to statute law without simultaneously infringing guild rules, and running the risk of punishment by the guild for such infraction. Guild rules touched the artificer at every stage in his career, and it was not easy for the illegal workman to escape discovery for any length of time. The youth who had not served his apprenticeship would at once be questioned if he attempted to become free of the guild. In some places the rule was peculiarly strict; at Bristol, the apprentice of the Merchant Adventurers had to show his indenture, made in due form according to the custom of the city and a letter from his master, if not present, to testify to his true service.[3] The London Pewterers would not license any man to set up or open shop until he had appeared before the Master and Wardens in company with the master with whom he had served, and his master had reported upon his behaviour, and had stated 'what substance he is and what workman he is.'[4]

It was not only master craftsmen who would be questioned as to training: no journeyman might be employed unless he had been admitted a brother of his company, and he could not as a general rule gain that admittance unless

[1] *Cf.* Dunlop, *op. cit.* Chap. iv. [2] *Ibid.*

[3] Latimer, *Merchant Tailors of Bristol*, p. 77. *Cf.* Dunlop, *op. cit.* Chap. iv.

[4] Welch, *Pewterers*, i. p. 243.

he had duly served his term.[1] In Wiltshire, a man who sought employment as a journeyman weaver was obliged to bring a certificate of his seven years' service, or else his master had to testify to it.[2] The Bristol tailors had a similar rule.[3] In Bath, the merchant tailors refused to allow strangers to work unless they brought proof of their service.[4] The assumption is that even when it is not so stated, a man would have to show his indenture of apprenticeship and freeman's certificate before he would be allowed to work, at any rate in a place where he was not known. If an illegal workman escaped detection in the earlier stages of his career he would run the hazard of the by-laws yet again if he attempted to open a workshop, for none but those who were freemen and properly qualified were allowed to set up or open shops.[5] He would find himself further handicapped by not being allowed to employ apprentices, the only form of cheap labour available to him, for the guilds and companies had a rule that none but those who had served their apprenticeships, and were free masters, might take apprentices,[6] and if an unqualified man attempted to do so, his right to exercise the privileges of free mastership would be called in question.

Thanks to the action of the guilds, the Statute now began to be enforced. But one result of its being administered mainly by the companies was that they were able to

[1] Overall, *Clockmakers*, p. 23; Ferguson, *Carlisle Records*, p. 181; Ferguson, *Records of Kendal*, p. 176; Leader, *History of the Cutlers Company in Hallamshire*, ii. p. 3.

[2] *Report on Manuscripts.* Miscell. vol. i. (1901) p. 75

[3] Fox, *Merchant Tailors of Bristol*, p. 82.

[4] Shickle, *Merchant Tailors of Bath*, p. 50.

[5] It appears that retailers frequently, if not universally, were obliged to serve apprenticeship. Cf. Leader, *op. cit.* ii. p. 3. Lambert, *Two Thousand Years of Guild Life*, pp. 218, 265. *Norwich MS. Mercers' Book* i., entry 1623. Davies, *History of Southampton*, pp. 135, 141. Overall, *Clockmakers*, pp. 31, 36. Ferguson, *Kendal*, pp. 140, 141, 144, 180.

[6] *Cf. Ibid.*, pp. 137, 141. Lambert, *op. cit.* pp. 219, 254, 287, 279. Leader, *op. cit.* ii. p. 2. Arber, *Transcript Stationers' Records*, iv. p. 531.

preserve or further develop many of those practices connected with apprenticeship which had been a part of the guild system before 1562, but which are not to be found in the Statute of Artificers. These practices were, of course, interwoven with the monopolistic policy of the guilds. We have seen that in earlier times guild rule was marred by a jealous spirit which revealed itself in an unwillingness to admit new members, and in such by-laws as those limiting the number of apprentices or enforcing prohibitive fees. Burleigh no doubt hoped to check this evil by introducing a uniform system ; it is noticeable that the Act left masters free to take as many apprentices as they pleased,[1] and that though apprenticeship was made legally necessary the conditions under which it had to be served were such as could be complied with by almost anyone. Yet, however clearly he may have recognised the evil, attempts to remedy it were rendered in part, at any rate, nugatory by the dependence of the Government upon the companies for the enforcement of the Statute. That lack of administrative machinery which, as we have seen, was the weakness of the Act, made them the masters of the situation. Naturally enough, they did not enforce the law in any way which, however indirectly, would have been to their disadvantage. This is well illustrated by the survival of the right of patrimony[2] which had existed in the guilds and companies from early times and was a most cherished privilege, since it gave to members and their sons an advantage over those outsiders who wished to gain admittance. According to the

[1] Save in six specified trades. A clothworker, fuller, shearman, tailor, weaver or shoemaker could employ three apprentices only if he had one journeyman in his service. For every apprentice he took above the number of three, he had to engage an additional journeyman. 5 Eliz. c. 4 f. 33.

[2] According to which the eldest son, and sometimes daughter, born to a man after he had become a free master, was entitled to the freedom of the father's guild, on reaching the age generally of twenty-one and upon the payment of usually lower fees than those charged to an ex-apprentice.

Statute of Artificers, the only means by which a man could enter a trade was by serving as an indentured apprentice to a qualified master. The companies, however, ignored the law in the interests of this customary right. Notwithstanding the Act, men who had not been regularly apprenticed, but had been merely taught by their fathers, claimed and received admittance into the guilds, and no objection was made to their working as masters or ordinary workmen. Indeed, the custom of patrimony was everywhere preserved, and in the ordinances of the guilds it is ranked with apprenticeship as entitling a man to the freedom of his trade association.[1] This was against the letter and spirit of the Act, but the assistance of the organised bodies of craftsmen was too valuable for the Government to care to pursue an over-strict policy or to refuse to sanction by-laws which the guilds considered necessary to their welfare. The guilds and companies were also able to enforce rules, the object of which was the preservation of their respective monopolies. For instance, although longer periods could be served, the law required no more than seven years' apprenticeship. Nevertheless, several companies actually insisted upon a minimum term of eight or nine years before they would allow an apprentice to take up his freedom.[2] Again, although the Act left masters at liberty to employ as many apprentices as their work demanded, the guilds were rigorous in limiting the number.[3] Rules forbidding members to have more than one, two, or three apprentices are almost invariably to be found in the ordinances which at this time were everywhere being enacted or confirmed. Such limitations, which differed with localities or trades, had been made by many guilds in the fifteenth century. Now, as then, the

[1] *Cf.* Cox, *Records of Northampton*, p. 288 ; Surtees Society, *Merchant Adventurers of Newcastle*, p. 72 ; Sellers, *Eastland Company at York*, pp. 4–5 ; Overall, *Clockmakers*, p. 33 ; Latimer, *Merchant Adventurers of Bristol*, p. 63 ; Lambert, *Two Thousand Years of Guild Life*, p. 174.

[2] *Cf.* Dunlop, *op. cit.* Chap. iv.

[3] *Ibid.*

alleged reason for passing these rules was that without them the trade would be over-supplied with workmen, and that want and poverty would ensue. There may well have been some truth in this, but there can be little doubt that both the older rules and their more general adoption in the sixteenth century were to a considerable extent due to the jealousy of established workmen towards new-comers. It is obvious that one result of relying upon the guilds for the enforcement of the Act was to give them an opportunity to pursue their own interests, and consequently that there was a perpetuation of a considerable number of local variations in place of that national uniformity which it was the object of the Act to introduce. The year 1562, therefore, forms no sharp dividing line between early and late apprenticeship ; rather, the continuity between the two is marked and constitutes one of the most interesting features of apprenticeship. For it followed that not only was the early apprenticeship system the basis of the Statute and the national system of technical instruction, but also it was to all intents and purposes the system evolved by the guilds which was being practised from 1562 to 1813, during the centuries, namely, which saw the transformation of England from an agricultural into an industrial country and the sure foundations laid of our first-rate commercial and industrial position.

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REPORT OF THE COUNCIL, SESSION 1909–1910.

THE Council of the Royal Historical Society present the subjoined Annual Report to the General Meeting of the Fellows.

One event which occurred during the Session overshadows the whole: the death of his late Gracious Majesty King Edward VII., the patron of the Society. A short reign had been sufficient to prove his Majesty's special and rare gifts as a constitutional Sovereign, and as the central figure of a great Empire. The spontaneous outburst of sorrow for his loss, evoked in other realms than his own, and the profound impression of grief and evidences of respect conveyed by the mourning crowds in Westminster Hall where his Majesty lay in state, and in the streets of his capital on the day of his funeral, were in themselves of great significance. His Majesty was patron of the Society. His Majesty King George V., whom God preserve, has been graciously pleased to accept an address of condolence from the Society, and to accord to the Society his royal countenance as patron in succession to the late King Edward.

Among the Fellows the Society has to deplore the death of Dr. Furnivall, so highly distinguished as an English scholar, whose vigorous mind and body made his death, though at an advanced age, seem sudden. The illustrious French scholar, M. Delisle, who was a Corresponding Member of the Society, has also died. M. Delisle's studies in Norman history made him almost an English historian.

At the ordinary meetings, in the Society's Library, the following Papers were read:—

'The Duc de Choiseul and the Invasion of England, 1768–1770.' By Miss M. C. Morison, F.R.Hist.S.

'The Estate Book of Henry de Bray of Harlestone, Northamptonshire, 1289–1340.' By Miss D. Willis.

'The Finance of Lord Treasurer Godolphin.' By I. S. Leadam, M.A., F.S.A.

'The Sources for the History of Sir Robert Walpole's Financial Administration.' By Hubert Hall, F.S.A. (*Director*).

'The Two Sir John Fastolfs.' By the late L. W. Vernon Harcourt, M.A.

'Concerning the Historical Manuscripts Commission.' By R. A. Roberts, Barrister-at-Law, Assistant Keeper of the Public Records, Secretary to the Commission.

'The Collection of Ship-Money in the Reign of Charles I.' By Miss M. D. Gordon.

The President, the Ven. Archdeacon Cunningham, D.D., LL.D., F.B.A., delivered an Address on February 7, 1910.

These Papers have been printed in *Transactions*, Third Series, Vol. IV.

No award was made for the Alexander Medal for the year 1909.

In addition to the above volume of *Transactions*, the following volumes of *Publications* have been or will be very shortly issued to Fellows and Subscribing Libraries.

Camden, Third Series, Vol. XVIII. 'The Camden Miscellany, Vol. XII.'
Camden, Third Series, Vol. XIX. 'Despatches from Paris, 1784–1789.' Vol. II. Selected and edited from the Foreign Office Correspondence by Oscar Browning, M.A., V.P.R.Hist.S.

These will be followed in 1911 by the two volumes of 'John of Gaunt's Register,' edited from the Duchy of Lancaster Records by Mr. S. Armitage-Smith.

The future publications of the Society already arranged for include the newly discovered manuscripts of Carpini's 'History of the Mongols' and of the 'Narrative of the French Conquest of the Canaries, 1404–6'; 'Secret Service under George III.'; 'Documents from the Archives of the Spanish Inquisition in the Canaries'; 'The Novgorod Chronicle' (translated from the Russian text); 'The Essex Papers (1675–77), a continuation of Camden N.S. 47'; 'The Journal of the Deputy Lieutenant of the Tower of London' (1722–1746); and 'Camden Miscellany,' Vol. XIII.

The recommendation in the Report of last year that Papers should if possible occupy not more than forty minutes in reading has been generally adopted, and, as was intended, has given time for some interesting discussions. The Council are anxious to encourage the social intercourse of Fellows and their friends at the meetings, and the use of the Library by Fellows. They are

reminded that the principal historical periodicals, British and foreign, are accessible in the Library on five afternoons and on Saturday mornings every week. The Library continues to increase by exchange, subscription, and the kind donations of Fellows. One of the wants mentioned last year, the 'Complete Peerage,' is now being supplied by the purchase of a new edition still in course of issue. The Canterbury and York Society's issue of 'Episcopal Registers,' the 'Transactions of the Jewish Historical Society,' 'Catholic Records,' the 'Massachusetts and Maine Historical Societies' Transactions,' are among other series now being acquired by gift, exchange, or subscription. 'The Reports of the Historical Manuscripts Commission' have been bound, and the series is nearly complete. Camden Vol. 87, o.s. (Camden Miscell. Vol. V.) is still missing, and the generosity of some donor has still an opportunity of showing itself. The Librarian reports that 117 books and pamphlets have been added to the Library. Of the additions 22 were acquired by purchase and 95 by exchange and presentation. During the year ended October 31, 1910, 184 volumes were rebound.

The number of Fellows has been maintained. Fellows are reminded that they can materially aid the Society by the proposal of Historical scholars and students for election.

The work of the Historical Association still continues to be directed from the Society's rooms. It is useful in itself, and forms a valuable adjunct to the work of the Society.

Some members of the Council have been appointed to form a Committee with a distinguished body of American scholars to draw up and publish a Bibliography of Modern British History, 1485–1901, which will be of very great importance and usefulness. The Council has voted £50 for three years towards the expenses, which it is enabled to afford owing to the successful management of our finances by the Treasurer.

In accordance with By-law XVII. the following Vice-Presidents retired in rotation: Mr. Oscar Browning, M.A., and the Right Rev. F. A. Gasquet, D.D., and were re-elected.

The following Members of the Council retired also under By-law XVII. :—

Sir Frederick Pollock, Bt., D.C.L., LL.D.,
Mr. W. Corbett, M.A.,
Dr. J. Holland Rose,
Colonel E. M. Lloyd,

and were re-elected with the exception of Sir Frederick Pollock, who was elected an Honorary Vice-President. Mr. G. M. Trevelyan, M.A., was elected a Member of Council.

Under By-law V. Dr. C. M. Andrews, of Yale, formerly of Johns Hopkins University, and Dr. C. H. Haskins, of Harvard, were elected Corresponding Members of the Society.

The Treasurer reports that the total membership of the Society on October 31, 1910, including Honorary, Corresponding, Life, and Ordinary Fellows, was 501. Of the above 19 are Honorary Fellows, 14 Corresponding Members, 87 Life Fellows, 35 Ordinary Fellows paying £1 1*s.* under the old regulations, 314 Ordinary Fellows paying £2 2*s.* under the new regulations, 32 former Members of the old Camden Society paying £1.

There are also 203 Subscribing Libraries, paying £1. There are 58 British and Foreign Societies which exchange *Transactions* with this Society.

The Treasurer states that the financial position of the Society continues satisfactory. The excess of income over expenditure for last year was £158 18*s.* 5*d.*, and the investments have been increased by the purchase of another amount of £200 India 3½ per cent. stock.

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance Sheet appended to this report, and have certified the same to be correct from their inspection of the books and vouchers.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account relating to the Year Ending October 31, 1910.

Income.	£	s.	d.	*Expenditure.*	£	s.	d.
Subscriptions of 1909: 2 at 20*s.* £2 0 0				Publications: Printing and Distributing . £228 6 0			
,, ,, 1 at 21*s.* 1 1 0				Editing and Indexing . . 105 1 3			
,, ,, 9 at 42*s.* 18 18 0				333 7 3			
21 19 0				*Less* received from Sales . 9 2 11			
Less amount estimated to be received in last year's accounts for subscriptions in arrear . 16 0 0					324	4	4
Subscriptions in arrear, received in excess of estimate	5	19	0	Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary	226	0	0
Subscriptions now in arrear estimated to be received	8	8	0	Rent of Offices	90	0	0
Subscriptions of 1910: 226 at 20*s.* . . . 226 0 0				Coal	3	9	6
,, ,, 49 at 21*s.* . . . 51 9 0				Electric Light	2	17	4
,, ,, 300 at 42*s.* . . . 630 0 0				Rates	32	9	2
907	9	0		General Printing and Stationery	43	0	11
Life subscriptions: 2 at £21 . . . . 42 0 0				Library: Books, Periodicals, and Binding . . .	33	17	6
Less proportion required by By-Law IX. to be invested (see Balance-sheet) . 28 0 0				Postages, &c.	16	19	4
14	0	0		Sundries (Petty Cash payments)	32	8	7
Dividends on Russian 4% Bond (Alexander Trust) . .	3	14	4	Advertising	3	7	0
,, Consols	20	0	0	Insurance	2	14	0
,, India 3½% Stock	9	17	10	Monthly Meetings (cost of Refreshments) . . .	6	8	9
Interest on Deposit Account at Bank . . .	6	9	11		817	16	5
Miscellaneous Receipts	0	16	9	Balance, being excess of Income over Expenditure for the year ending October 31, 1910, carried to Balance-sheet	158	18	5
£976	14	10			£976	14	10

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1910.

Liabilities.

			£ s. d.
Life Subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1,066 0 0		
Proportion of Life Subscriptions received in 1910 (see Income and Expenditure Account)	28 0 0		
		1,094 0 0	
[Represented by Consols, India 3½ % Stock, and Cash on Deposit see *contra*]			
Alexander Trust Fund [Russian 4 % Bond see *contra*]		98 17 6	
Subscriptions received in advance		9 6 0	
Balance, being surplus of Assets over Liabilities at date		2,602 15 2	
Viz.—Amount brought forward from last year	£2,503 16 9		
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	158 18 5		
	£2,662 15 2		
Deduct Amount written off value of Stock of Publications (£160 reduced to £100—see *contra*)	60 0 0		
	£2,602 15 2		
		£3,804 18 8	

Assets.

		£ s. d.
Consols 2½ % £849 9*s.* 9*d.* at cost		855 5 3
India 3½ % Stock £400 at cost		388 17 0
Russian 4 % Bond		98 17 6
Cash at Bank: Current a/c	£127 17 3	
Deposit Account at Bank	322 11 10	
Petty Cash Balance in hand	3 1 10	
		453 10 11
Stock of Publications in hand, estimated value		100 0 0
,, ,, with Messrs. Spottiswoode and Messrs. Doubleday & Co. (value as insured)		500 0 0
Library (value as insured)		1,000 0 0
,, Manuscripts (value as insured)		100 0 0
Furniture, &c. ,, ,,		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		8 8 0
		£3,804 18 8

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) J. Foster Palmer
William J. Corbett
T. Cato Worsfold } *Auditors.*

Dec. 21, 1910.

Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

OFFICERS AND COUNCIL—1910-1911.

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HIS MAJESTY THE KING.

President.

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